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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition)	DOCKET NO. A15-798
of:)	
)	MOTION FOR MODIFICATION OF
WAIKAPU PROPERTIES, LLC; MTP)	CONDITION 8(b) OF DECISION AND
LAND PARTNERS, LLC; WILLIAM S.)	ORDER FILED ON FEBRUARY 26,
FILIOS, Trustee of the William)	2018; MEMORANDUM IN SUPPORT OF
S. Filios Separate Property)	MOTION; APPENDICES 1-2;
Trust dated APRIL 3, 2000; and)	DECLARATION OF MICHAEL
WAIALE 905 PARTNERS, LLC,)	ATHERTON; CERTIFICATE OF
)	SERVICE
To Amend the Agricultural Land)	
Use District Boundaries into the)	
Rural Land Use District for)	
certain lands situate at)	
Waikapu, District of Wailuku,)	
Island and County of Maui, State)	
of Hawaii, consisting of 92.394)	
acres and 57.454 acres, bearing)	
Tax Map Key No. (2) 3-6-004:003)	
(por) and to Amend the)	
Agricultural Land Use District)	
Boundaries into the Urban Land)	
Use District for certain lands)	
situate at Waikapu, District of)	
Wailuku, Island and County of)	
Maui, State of Hawaii,)	
consisting of 236.326 acres,)	
53.775 acres, and 45.054 acres,)	
bearing Tax Map Key No. (2) 3-6-)	
002:003 (por), (2) 3-6-004:006)	
and (2) 3-6-005:007 (por).)	

MOTION FOR MODIFICATION OF CONDITION 8(b)
OF DECISION AND ORDER FILED ON FEBRUARY 26, 2018

I. RELIEF SOUGHT

This Land Use Commission filed its *Findings of Fact, Conclusions of Law, and Decision and Order* in this Docket on February 26, 2018. WAIKAPU PROPERTIES, LLC; MTP LAND PARTNERS, LLC; WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property Trust dated APRIL 3, 2000; and WAIALE 905 PARTNERS, LLC (collectively "Petitioner"), proceeded to develop the subject property in accordance with and subject to the Decision & Order and are ready submit a subdivision application to the County of Maui for the Project. However, a condition of the Decision & Order ("D&O"), is different from and inconsistent with a condition imposed by County of Maui as part of the change in zoning, prevents Petitioner from submitting an application for subdivision, impeding progress on the Project. Accordingly, Petitioner brings this motion to modify Condition 8(b) of the D&O (which concerns the mitigation of Project-generated traffic impacts) to be consistent with the condition in the County ordinance that changed the zoning of the subject property.

II. LEGAL BASIS AND GROUNDS FOR MOTION

This motion is made pursuant to Hawaii Revised Statutes ("HRS") §205-4 and Hawaii Administrative Rules ("HAR") §§ 15-15-70 and 15-15-94, which authorize the filing of this motion and empower the Commission to modify Decisions & Orders previously entered.

Condition 8(b) prevents Petitioner from submitting an application for subdivision of the Subject Property until separate Memoranda of Agreement mitigating Project-generated traffic impacts are executed by the County of Maui and the State of Hawaii Department of Transportation. Most often developers are allowed to submit subdivision applications for review and processing before the traffic impact mitigation memoranda of agreement are executed as the subdivision review and approval process is lengthy. Given the size of the Project and the time to process the subdivision application, delaying the subdivision review process will result in the delay of final approvals which in turn means a delay in the construction of much needed housing units on Maui.

Petitioner spoke with the County of Maui and the State of Hawaii Department of Transportation about this motion and each indicated no objection to the modification of Condition 8(b) proposed by Petitioner. Specifically,

Petitioner requests that the last sentence of Condition 8(b) be changed from:

The Memorandum of Agreement shall be executed prior to the submittal of a subdivision application to the County of Maui.

to:


The Memorandum of Agreement shall be executed prior to the approval of the first subdivision application for the Project by the County of Maui.

The modification would make Condition 8(b) of the D&O consistent with the conditions of zoning imposed by the County, allowing Petitioner to submit a subdivision application to the County of Maui before the execution of Memoranda of Agreement. This modification does not relieve Petitioner of any requirements; it simply allows for the review of the subdivision application to happen concurrently with negotiations relating to the Memoranda of Agreement. Removing the delay resulting from Condition 8(b) will allow for homes to be constructed sooner rather than later.

This Motion is based on the attached Memorandum and Declaration and matters that may be presented at the hearing on the Motion.

Petitioner requests a hearing on this Motion pursuant to HAR §15-15-70(c).

DATED: Kahului, Hawaii, 7/2/2021.



PAUL R. MANCINI
JEFFREY T. UEOKA
Attorneys for Petitioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition) DOCKET NO. A15-798
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) MEMORANDUM IN SUPPORT OF
WAIKAPU PROPERTIES, LLC; MTP) MOTION
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92.394 acres and 57.454 acres,)
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236.326 acres, 53.775 acres,)
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Map Key No. (2) 3-6-002:003)
(por), (2) 3-6-004:006 and (2))
3-6-005:007 (por).)

MEMORANDUM IN SUPPORT OF MOTION

I. BACKGROUND

On February 26, 2018, this State of Hawaii Land Use Commission ("Commission") ordered that a parcel of about 145.286

acre, situated at Waikapu, Maui, Hawaii, identified as Tax Map Key No. (2) 3-6-004:003 (por.), be reclassified from the State Land Use Agricultural District to the State Land Use Rural District and that a parcel, of about 342.373 acre, identified as Tax Map Key Nos. (2) 3-6-004:006, (2) 3-6-004:007, and (2) 3-6-002:003 (por.) be reclassified from the State Land Use Agricultural District to the State Land Use Urban District, amending the State Land Use District Boundaries accordingly. The Decision and Order ("D&O") approving reclassification included 32 conditions. The portion of the D&O stating the conditions is attached as Appendix 1. On September 20, 2019, Ordinance 4998 (2019) approving a Change in Zoning of the subject property, subject to 27 conditions (the "COZ"), was adopted by the Maui County Council. The portion of Ordinance 4998 stating the COZ is attached as Appendix 2.

Ordinance 4998 and the D&O both include a condition requiring Petitioner to enter into a Memorandum of Agreement ("MOA") with the State Department of Transportation, Highways Division ("SDOT-H") to mitigate Project-generated traffic impacts. The D&O also requires a separate MOA with the County.

Condition 8(b) of the D&O states:

Petitioner shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner shall initiate, coordinate, and meet with State Department of Transportation Highways and

the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. **The Memoranda of Agreement shall be executed prior to submittal of a subdivision application to the County of Maui.**

Appendix 1

Condition 1(a) of the COZ states:

Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of required traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. **The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.**

Appendix 2

As is readily apparent, the timing by which the MOA with the SDOT-H must be complete is inconsistent. The D&O requires the MOA to be executed before submission of a subdivision application. The COZ requires the MOA to be executed before approval of the first subdivision application.

As the time for processing a subdivision creating over 1400 lots for new residences will be significant, allowing Petitioner to proceed with the subdivision application while negotiating and finalizing the MOAs would decrease the amount of time that Maui's residents will be required to wait until much needed housing is developed. Further, the development will not

proceed without executed MOAs as the COZ and the proposed modification to Condition 8(b) prevent final subdivision approval until the MOAs are executed.

II. REQUEST FOR MODIFICATION

Petitioner requests that the Commission modify Condition 8(b) so that the large lot subdivision review process can begin while Petitioner concurrently works with the County of Maui and SDOT-H on the details of separate MOAs relating to the mitigation of Project-generated traffic impacts.

The primary issue relating to delay in the development of the MOAs is the requirement for Petitioner to contribute to the construction of the Waiale Road Extension. Condition 3(b) of the COZ requires Petitioner to enter into an agreement with the County of Maui Department of Public Works to memorialize Petitioner's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. A road construction project such as this is a significant undertaking. The Waiale Road Extension recently was identified as a critical infrastructure project by the County and SDOT-H. In order to finalize the MOAs, the design, plans and specifications for the Waiale Road Extension need to have a certain level of specificity, so that the cost-sharing component may be memorialized in the MOA. At the time the D&O was filed in February of 2018, Petitioner believed that the development of

the Waiale Road Extension would proceed readily so that the plans and specifications would be sufficient to negotiate and prepare the MOAs within four years. At this time, the plans and specifications are not complete and the Petitioner's consultants believe that it may take up to an 18 to 24 month period to finalize the MOAs.

The modification of Condition 8(b) does not remove the requirement to enter into the agreements; final subdivision approval will be conditioned upon the execution of the MOAs regarding the mitigation of Project-generated traffic impacts. The modification simply allows Petitioner to begin the subdivision process while working with the County and SDOT-H on the agreements.

III. GOOD CAUSE FOR MODIFICATION

Section 15-15-94(b), HAR, provides that, "[f]or good cause shown, the [C]ommission may act to modify or delete any of the conditions imposed or modify the [C]ommission's order."

The proposed modification to Condition 8(b) will expedite the construction of much needed housing on Maui. The Project will supply at least 280 residential workforce housing units in accordance with Chapter 2.96, Maui County Code. It is acknowledged that Maui is in a housing crisis, especially affordable and residential workforce housing. By allowing Petitioner to work concurrently towards subdivision approval and

towards reaching an agreement with the County and SDOT-H on the mitigation of Project-generated traffic impacts, Petitioner should be able to deliver housing to residents at an earlier date.

In accordance with HRS §205-16, the action conforms to the State Plan, as the modification would assist in providing:

Greater opportunities for Hawaii's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more rental and for sale affordable housing is made available to extremely low-, very low-, lower-, moderate-, and above moderate-income segments of Hawaii's population.

The proposed modification would further this objective of the State Plan as it will expedite the development of affordable housing.

IV. RELIEF OR ORDER SOUGHT

Petitioner respectfully requests that the Commission modify Condition 8(b) of the D&O to be consistent with Condition 1(a) of the County of Maui's COZ, allowing Petitioner to submit a subdivision application before execution of the required MOAs, provided that the MOAs shall be executed before approval of the first subdivision application for the Project.


Petitioner respectfully requests that Condition 8(b) of the D&O be amended to read as follows:

Petitioner shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Memoranda of Agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the Project.

All other conditions of the D&O shall remain in full force and effect.

Petitioner reserves its rights under HAR §15-15-70(a) to modify this request before, during or after the close of the hearing on this Motion.

DATED: Kahului, Hawai'i, 7/2/2021.



PAUL R. MANCINI
JEFFREY T. UEOKA
Attorneys for Petitioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition) DOCKET NO. A15-798
of:)
) DECLARATION OF MICHAEL
WAIKAPU PROPERTIES, LLC; MTP) ATHERTON
LAND PARTNERS, LLC; WILLIAM S.)
FILIOS, Trustee of the William)
S. Filios Separate Property)
Trust dated APRIL 3, 2000; and)
WAIALE 905 PARTNERS, LLC,)
)
To Amend the Agricultural Land)
Use District Boundaries into)
the Rural Land Use District for)
certain lands situate at)
Waikapu, District of Wailuku,)
Island and County of Maui,)
State of Hawaii, consisting of)
92.394 acres and 57.454 acres,)
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Map Key No. (2) 3-6-002:003)
(por), (2) 3-6-004:006 and (2))
3-6-005:007 (por).)

DECLARATION OF MICHAEL ATHERTON

I, Michael Atherton, declare as follows:

1. My name is Michael Atherton. I am over the age of 21 and am competent to make this declaration. I

have personal knowledge of the facts contained in this declaration which are true and correct.

2. I am an authorized representative of WAIKAPU PROPERTIES, LLC, MTP LAND PARTNERS, LLC, WILLIAM S. FILIOS, Trustee of the William S. Filios Separate Property Trust dated APRIL 3, 2000, and WAIALE 905 PARTNERS, LLC, collectively Petitioner.

3. I read the foregoing Motion For Modification of Condition 8(b) and the Memorandum in Support of the Motion. The facts stated in the Motion and Memorandum are true to the best of my knowledge.

4. Petitioner understood that the traffic impacts of the Project would require mitigation and that a key component of the mitigation determination would be the development of the Waiale Road Extension that adjoins the Project.

5. In order to enter into a Memorandum of Agreement with the State Department of Transportation, Highways Division to mitigate traffic impacts, as well as a similar Memorandum of Agreement with the County of Maui, the plans and specification of the Waiale Road Extension would need to be beyond the concept stage if not substantially complete.

6. At the time of the Decision and Order filed on February 26, 2018 (D&O), Petitioner believed that the development of the Waiale Road Extension would proceed steadily so that the plans and specifications would be sufficient to negotiate and prepare a Memorandum of Agreement within four years.

7. At the time of the Motion, plans and specifications are not complete. Petitioner's consultants believe that it may be another 18 to 24 months before Petitioner will be able to finalize a Memorandum of Agreement.

8. Petitioner is aware of the time allowed for the development of the Project and believes that if Condition 8(b) is not amended, the completion of the first housing units in the Project may be delayed by over 18 months and Petitioner may be required to seek an extension of the time from this Commission.

9. If our request to modify Condition 8(b) is approved, we will be able to apply for a large lot subdivision of the Subject Property. The large lot subdivision will allow Petitioner to begin development and construction of housing faster.

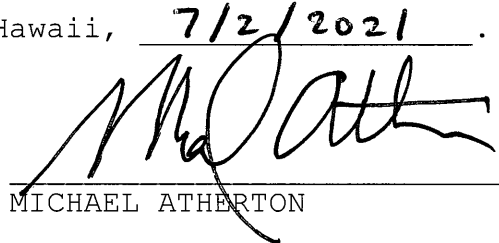
10. Petitioner understands that if the amendment of Condition 8(b) is allowed, we still must enter into

Memoranda of Agreement with the State and County before the large lot subdivision approval, or any subdivision approval, can be final.

11. Petitioner respectfully asks this Commission to approve the amendment of Condition 8(b) to allow the Project's first housing units to be completed at least 18 months earlier than would otherwise occur if Condition 8(b) is not amended.

I, Michael Atherton, do declare under penalty of law that the foregoing is true and correct.

DATED: Wailuku, Hawaii, 7/2/2021.



MICHAEL ATHERTON

CERTIFICATE OF SERVICE

I hereby certify that on the date hereof I caused an electronic file stamped copy of the foregoing to be duly served by depositing same in the United States mail, postage prepaid, to the following at their last known address:

Mary Alice Evans
Director
State of Hawaii
Office of Planning
235 Beretania Street
Honolulu, HI 96813


Maui Planning Commission
c/o County of Maui
Department of Planning
One Main Plaza, Suite 335
2200 Main Street
Wailuku, HI 96793

Michele Chouteau McLean
Director
County of Maui
Department of Planning
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County of Maui
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Alison S. Kato, Esq.
State of Hawaii
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813

DATED: Kahului, Hawai'i, 7/2/2021 .



PAUL R. MANCINI
JEFFREY T. UEOKA
Attorneys for Petitioner

APPENDIX 1

DECISION AND ORDER

IT IS HEREBY ORDERED that the portion of the Petition Area, consisting of about 145.286 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key No. (2) 3-6-004:003 (por.), as shown approximately on Exhibit “A” attached hereto and incorporated herein by reference, shall be reclassified from the State Land Use Agricultural District to the State Land Use Rural District and the State Land Use District Boundaries shall be amended accordingly, and that the portion of the Petition Area consisting of about 342.373 acres of land situated at Waikapū, Maui, Hawai‘i, identified as Tax Map Key Nos. (2) 3-6-004:006, (2) 3-6-004:007 and (2) 3-6-002:003 (por.), as shown approximately on Exhibit “B” attached hereto and incorporated herein by reference, shall be reclassified from the State Land Use Agricultural District to the State Land Use Urban District and the State Land Use District Boundaries shall be amended accordingly. Based upon the findings of fact and conclusions of law stated herein, it is hereby determined that the reclassification of the Petition Area will not significantly affect or impair the preservation or maintenance of natural systems and habitats or the valued cultural, historical, agricultural and natural resources of the area.

IT IS FURTHER ORDERED that reclassification of the Petition Area from the State Land Use Agricultural District to the State Land Use Urban and the State Land Use Rural District shall be subject to the following conditions:

1. Education Contribution Agreement. Petitioner shall contribute to the development, funding, and/or construction of school facilities in compliance with the *Educational Contribution Agreement for WAIKAPŪ COUNTRY TOWN*, undated but executed as

of January 31, 2017 entered into by Petitioner and the DOE. Petitioner shall ensure that prospective buyers, purchasers, and subsequent owner builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the *Educational Contribution Agreement*. Such notice shall be recorded and shall run with the land.

2. Storm Water Management and Drainage. Petitioner shall maintain existing drainage patterns and shall implement applicable Best Management Practices a) to minimize infiltration and runoff from construction and vehicle operations, b) to reduce or eliminate the potential for soil erosion and ground water pollution, and c) to formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health guidelines and County of Maui ordinances and rules. The Best Management Practices shall include a program for the maintenance of drainage swales within the Project Area.

3. Residential Workforce Housing. Petitioner shall design and construct the Project, and provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements.

4. Wastewater. Petitioner shall participate in the funding and/or construction of adequate private or public wastewater source, storage, and transmission facilities to accommodate the proposed uses for each portion of the Petition Area. The private wastewater source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui. If applicable, the public wastewater source, storage, and transmission facilities shall be controlled or operated by the County of Maui. If the private wastewater source, storage, and transmission facilities are located outside the Petition Area and within the State and County agricultural districts, Petitioner shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If

Petitioner participates in a regional wastewater system which is controlled or operated by the County of Maui, Petitioner may request to be released from this condition applicable to private wastewater source, storage and transmission facilities.

5. Air Quality. Petitioner shall participate in an air quality monitoring program if so required by the Department of Health.

6. Energy Conservation Measures. Petitioner shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship, such as the use of solar water heating and photovoltaic systems, into the design and construction of the Project and development of the Petition Area. Petitioner also shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners within the Project.

7. Notification of Proximity to Kahului Airport. Petitioner, and all subsequent owners, shall notify and disclose to all prospective developers, purchasers, and/or lessees within any portion of the Project, as part of any conveyance document (deed, lease, or agreement of sale, etc) required for the sale or transfer of real property or any interest in real property, of the potential adverse impacts of aircraft activity at and from the Kahului Airport, such as noise, right of flight, emissions, vibrations and other incidences of aircraft operations.

8. Transportation - Highways.

a. Petitioner shall submit to the State Department of Transportation and the County of Maui for review and approval a supplemental analysis to evaluate the “No Waiale Bypass” with Petitioner’s Project in 2022 (Phase I), due to the current memorandum/addendum limited only to build-out year 2026 (Phase II). Petitioner shall also submit copies to OP, Maui County Planning Department, and the Commission.

b. Petitioner shall mitigate all Project-generated traffic impacts as recommended and/or required by the State Department of Transportation and the County of Maui. Petitioner shall initiate, coordinate, and meet with State Department of Transportation Highways and the County of Maui to agree upon the regional pro-rata share and to develop a Memorandum of Agreement with the State Department of Transportation, Highways Division, and another Memorandum of Agreement with the County of Maui. The Memoranda of Agreement shall be executed prior to submittal of a subdivision application to the County of Maui.

9. Transportation – Regional Planning. Petitioner shall continue to work with the County of Maui to develop a timetable for the construction of the Waiale Bypass and shall work with appropriate County of Maui and State of Hawai'i agencies, including the Metropolitan Planning Organization of the County of Maui, to develop a comprehensive traffic review of the Central Maui region.

10. Transportation – Airports. Petitioner shall work with the State Department of Transportation to minimize hazards to aircraft operations from Kahului Airport, including but not limited to impacts from wildlife attractants, photovoltaic glint and glare, electromagnetic radiation, aviation easements, notices of proposed construction or alteration, and prospective purchaser/owner liability and covenants. As deemed necessary by the State Department of Transportation to minimize the hazards to aircraft operations from Kahului Airport, Petitioner shall fund and implement a program to control any birds nesting or occupancy and any insect, pest or wildlife infestation, in any hazardous wildlife attractants (open swales, storm drains, retention and detention basins, wastewater treatment facilities or associated settling ponds) serving the Project. Petitioner shall enter into a Memorandum of Agreement with State Department of Transportation before final subdivision approval of the initial phase of on-site

development by Petitioner outlining measures to be taken by Petitioner to address impacts.

11. Water Conservation Measures. Petitioner shall implement water conservation measures and best management practices such as the use of indigenous plants to the extent practicable and as required by the County of Maui.

12. Water System. Petitioner shall participate in the funding and/or construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each phase of the Project. The private water source, storage, and transmission facilities shall be in accordance with the applicable standards and requirements of the Department of Health and/or the County of Maui, with plans submitted for approval by the appropriate agency. In the event that Petitioner participates in a regional water system which is controlled or operated by the County of Maui, Petitioner may request the release of this condition applicable to a private water system.

Additionally, Petitioner shall work with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapū aquifer.

Further, Petitioner shall submit such information as may be requested by the County of Maui to reflect changes in water demand forecasts and to supply the proposed uses for the County of Maui's Water Use and Development Plan.

13. Street Lights. Petitioner shall use fully-shielded street lights within the Petition Area to avoid impacts to avifauna and other populations and to prevent light diffusion upward into the night sky.

14. Sirens. Petitioner shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense.

15. Parks. Petitioner shall comply with the park dedication requirements of

the County of Maui.

16. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7 of the Hawai'i State Constitution, Petitioner shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purposes.

17. Agriculture Easement. Petitioner shall submit an executed copy of the conservation easement or relevant instrument for at least 800 acres of adjacent agricultural lands to the Commission. No dwelling or structure shall or may be used for a residence or residential use, including farm dwellings or farm worker housing, on the adjacent agricultural lands which are subject to the agricultural easement or conservation easement, and such easement shall include this restriction.

If any development is proposed in the area made subject to the conservation easement or relevant instrument, SHPD shall be notified and shall make a determination on whether an archaeological inventory survey is to be provided by Petitioner for such area. The Commission shall also be notified of any proposed development within the conservation easement lands and any determination made by SHPD.

18. Notification of Agricultural Use. Petitioner, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of HRS Chapter 165, the Hawai'i Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease or agreement of sale.

The notice and disclosure shall contain at least the following information: a) that the developers, purchasers and/or lessees shall not take any action that would interfere with or

restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands.

For the purpose of this condition, the term “farming operations” shall have the same meaning as provided in HRS § 165-2.

19. Previously Unidentified Burials and Archaeological/Historic Sites. In the event that historic or archaeological resources, including human skeletal remains, are found and/or identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the State Historic Preservation Division shall be contacted immediately as required by HRS Chapter 6E and its applicable rules. Without limitation to any condition found herein, if any burials or archaeological or historic sites or artifacts not previously identified in studies referred to in these Findings of Fact and Conclusions of Law are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the State Historic Preservation Division that mitigation measures have been implemented to its satisfaction.

20. Archeological/Historic Sites. Petitioner shall provide the following prior to any ground disturbance, as agreed upon with SHPD’s acceptance of the Petitioner’s Archaeological Inventory Survey:

- a. Archaeological monitoring, which shall include data recovery of archaeological and historic sites;
- b. If site 50-50-04-5197 is impacted by the Project, it will be further

documented in consultation with SHPD;

c. Archaeological monitoring shall be conducted for all ground disturbing activities, including the Na Wai 'Eha sand dune system area. An archaeological monitoring plan shall be developed and submitted for SHPD's review and acceptance prior to commencing Project work;

d. If any development is proposed for the area to be dedicated to agriculture, SHPD shall be notified and SHPD will make a determination on whether an archaeological inventory survey is to be provided by Petitioner;

e. Petitioner shall submit a preservation plan to SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883). The preservation plan shall be submitted to the SHPD for review and acceptance prior to the initiation of the Project. Petitioner shall comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the SHPD. Petitioner shall confirm in writing to the Commission that the SHPD has found Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented. The SHPD shall be notified at the initiation of the Project.

21. Archaeological/Archaeological Monitoring. Petitioner shall employ archaeological monitors to ensure that all ground disturbances associated with mass grading of the Petition Area, and the trenching and excavation related to the installation of utilities, do not impact any subsurface cultural remains within the Petition Area. Petitioner shall submit an archaeological monitoring plan for ground disturbing activities within the Petition Area to the State Historic Preservation Division for its review and acceptance or approval. Acceptance or

approval of the archaeological monitoring plan shall be a condition to performing any ground disturbing activities. Data obtained from the archaeological monitoring plan shall be provided to the State Historical Preservation Division upon the completion of the monitoring of the Project.

In the event that Site 50-50-04-5197 is impacted by any ground disturbances, Petitioners shall document the site in accordance with the directions of the State Historic Preservation Division.

22. Cultural. Petitioner shall consult with those persons known as Waikapū Stream south kuleana lo‘i kalo farmers and Hui o Na Wai ‘Eha to minimize the impacts on their traditional customary rights and practices from any development in the Petition Area.

Additionally, Petitioner shall grant access easements over the appropriate portions of the Petition Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK (2) 3-6-005:066). Such easements will run with the land.

23. Endangered Species. Petitioner shall implement the following procedures to avoid potential impacts to endangered species. Petitioner shall not clear dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area during the period from June 1 to September 15 of each year which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities. Petitioner shall consult with the United States Fish & Wildlife Service to determine measures needed with regard to the endangered Blackburn’s Sphinx Moth and shall implement such measures in connection with the development of the Petition Area.

Additionally, for any nighttime work required during any construction within the Petition Area and Project Area, and for long term operation of any private wastewater treatment facility servicing the Project, exterior lighting shall be shielded so as to reduce the potential for interactions of nocturnally flying Hawaiian Petrels and Newell's Shearwaters with external lights and man-made structures.

24. Development in Compliance with Maui Island Plan. Petitioner shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as the "Waikapū Tropical Plantation Town."

25. Infrastructure Deadline. Petitioner shall complete construction of the proposed backbone infrastructure, which consists of primary roadways and access points, internal roadways, on- and off-site water, sewer, and electrical system improvements, and storm water/drainage and other utility system improvements, within ten years from the date of the Decision and Order approving the Petition.

26. Order to Show Cause. If Petitioner fails to complete the construction of the proposed backbone infrastructure within ten (10) years from the date of the Decision and Order approving reclassification of the Petition Area, the Commission may issue and serve upon Petitioner an Order to Show Cause and Petitioner shall appear before the Commission to explain why the Petition Area should not revert to its previous State Land Use District Agricultural Classification or be changed to a more appropriate classification.

27. Compliance With Representations to the Commission. Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in these Findings of Fact, Conclusions of Law, and Decision and Order.

Failure to so develop the Petition Area in accordance with such representations may result in reversion of the Petition Area to its former classification or a change to a more appropriate classification.

28. Annual Reports. Petitioner shall timely provide, without any prior notice, annual reports to the Commission, the State Office of Planning, and the County of Maui Planning Department, and their respective successors, in connection with the status of the development of the Petition Area and Petitioner's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the executive officer of the Commission. The annual report shall consist of one original, one paper copy and one electronic copy and shall be due prior to or on the anniversary date of the approval of the Petition.

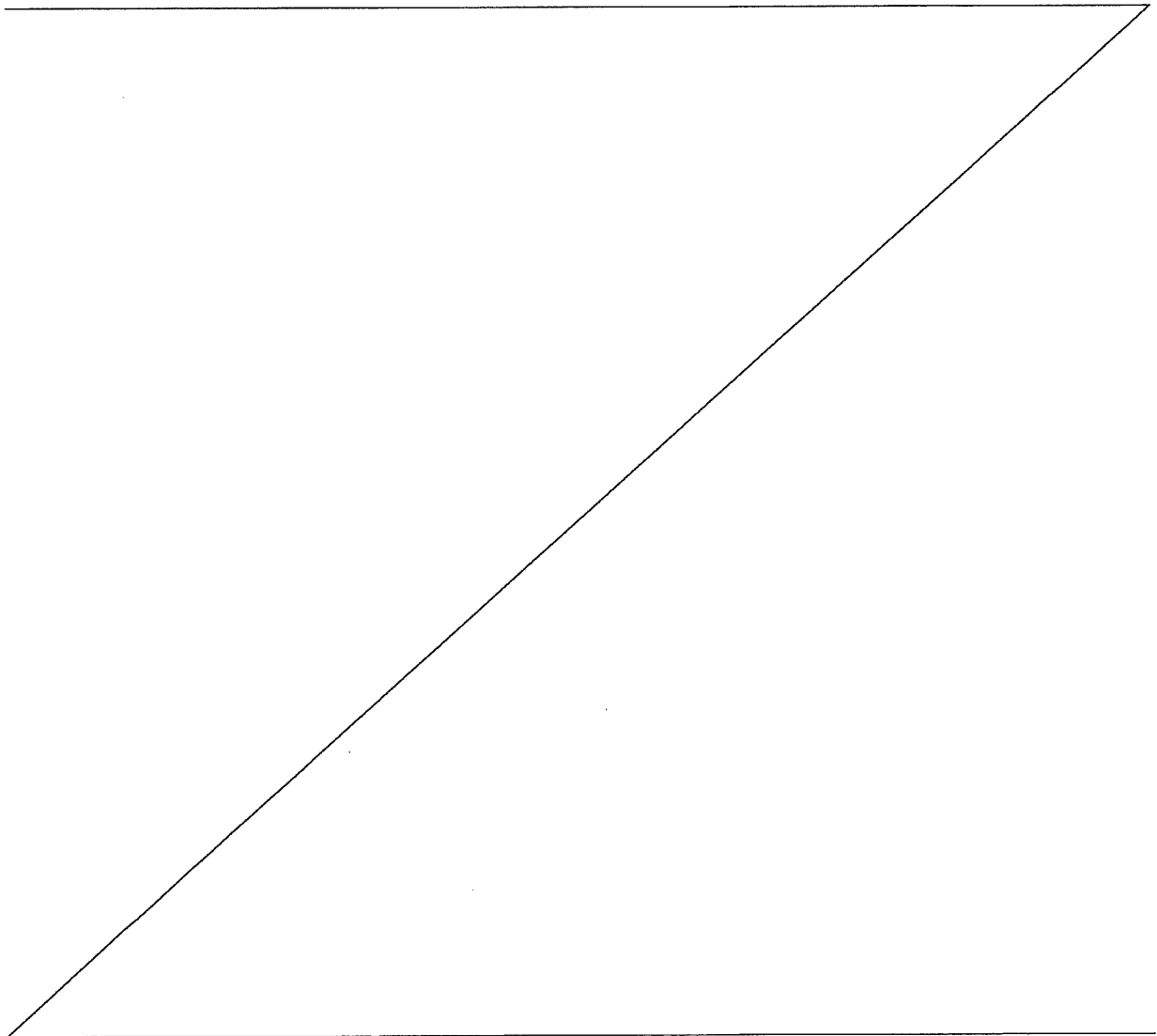
29. Release of Conditions. The Commission may fully or partially release conditions provided herein as to all or any part of the Petition Area upon timely motion and upon the provision of adequate assurances of satisfaction of these conditions by Petitioner or their permitted successors and/or assigns.

30. Notice of Change of Ownership. Petitioner shall provide notice to the Commission of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the Petition Area.

31. Notice of Imposition of Conditions. Petitioner shall (a) within seven (7) days of issuance of the Commission's Decision and Order reclassifying the Petition Area, record with the Bureau of Conveyances of the State of Hawai'i and/or the Office of the Assistant Registrar of the Land Court, a statement that the Petition Area is subject to the conditions imposed in this Decision and Order by the Commission and (b) promptly thereafter file a copy of

such recorded statement with the Commission.

32. Recordation of Conditions. Petitioner shall record the conditions imposed herein by the Commission with the Bureau of Conveyances of the State of Hawai‘i, and/or the Office of the Assistant Registrar of the Land Court, pursuant to HAR Section 15-15-92.



APPENDIX 2

EXHIBIT “C”

CONDITIONS OF ZONING

As it relates to the following conditions, “Landowners” means Waikapu Properties, LLC; MTP Land Partners, LLC; the William S. Filios Separate Property Trust dated April 3, 2000; Waiale 905 Partners, LLC; and any future owner or lessee.

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Landowners shall mitigate all Project-generated traffic impacts as required by the SDOT-H. Landowners shall enter into an agreement regarding the scope and timing of required traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project’s Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Landowners shall fully fund project intersections with Honoapiilani Highway only at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS) and at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Landowners are solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Landowners shall conduct an analysis of the suitability of a roundabout at the required Honoapiilani Highway and Main Street Intersection. Landowners shall transmit its analysis with findings to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal must be funded by Landowners.
 - d. Landowners shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure that the development layout provides pedestrian routes to these pedestrian crossings.

SDOT-H will confirm compliance with this condition.

2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Landowners shall work with SDOT-A to confirm compliance with the Federal Aviation Administration or other relevant government agency’s

guidelines and regulations regarding aircraft passage or airport operations at the Kahului Airport.

3. Transportation – DPW.

- a. Landowners shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit it to DPW for review and approval prior to the County's approval of the first subdivision application for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- b. Landowners shall enter into an agreement with DPW regarding the project's pro rata share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions are made. The agreement will also consider the project's actual traffic generated inasmuch as any reductions or increases in traffic than originally estimated may reduce or increase the pro rata share in the future. Further, Landowners shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project. DPW shall confirm compliance with this condition.

4. Stormwater Management and Drainage. Landowners shall maintain existing drainage patterns to the maximum extent feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance approved by the DPW shall not increase runoff from the Project Area as a result of an increase in impervious surfaces. The DPW shall confirm compliance with this condition.

5. Residential Workforce Housing. Landowners shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market-rate dwelling units as required by the Maui

County Code and as agreed to by the Department of Housing and Human Concerns. Landowners will not seek project approvals authorized by Chapter 201H, Hawaii Revised Statutes, or similar project approvals for this project.

6. Wastewater. Landowners shall participate in the funding and construction of adequate private or public wastewater facilities for the Project Area. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If Landowners' proposed wastewater facilities are to be located within the State agricultural districts, Landowners shall apply for a State Special Permit in accordance with the provisions of Chapter 205, Hawaii Revised Statutes (HRS). If Landowners desire to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. Air Quality. Landowners shall participate in an air quality monitoring program as required by the DOH.
8. Education Contribution Agreement. Landowners shall contribute to the development, funding, and construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by Landowners and the Department of Education. Landowners shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and run with the land.
9. Energy Conservation Measures. Landowners shall implement measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per Section 196-6.5, Hawaii Revised Statutes. Landowners shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project Area. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. Water Conservation Measures. Landowners shall implement water conservation measures and BMPs such as the use of indigenous plants and as required by the County of Maui. Verification of compliance with this

condition shall be provided to the Department prior to submitting any building permit application.

11. **Water System.** Landowners shall participate in the funding and construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each subdivision in the Project Area in accordance with the applicable standards and requirements of the DOH and the County of Maui, with plans submitted for approval by the appropriate agency. Landowners shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, Landowners shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. **Street Lights.** Landowners shall use fully shielded street lights within the Project Area to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion into the night sky.
13. **Sirens.** Landowners shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. **Parks.** Landowners shall comply with the park dedication requirements of the County of Maui. Landowners shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the Maui County Code. Landowners shall develop parks and recreational areas that may be used by all ages and are not used primarily as water retention basins.
15. **Established Gathering and Access Rights Protected.** Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Landowners shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. **Agricultural Easement.** Landowners shall submit to the Department an executed copy of the conservation easement or relevant instrument for 877.50 acres of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui and depicted in Exhibit "1" prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes,

including farm dwellings, farm labor dwellings and farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. On the lands that are subject to the conservation easement, there shall be no animal hospitals and animal board facilities; riding academies; open land recreation uses, except that farm tours are allowed; parks for public use; and family child care homes. The following non-commercial open land recreation uses are allowed along the fifty-foot perimeter of the preserve: hiking, equestrian activities, greenways, mountain biking, and accessory restroom facilities. Landowners shall not seek county special use permits for open land recreation activities in the area subject to the conservation easement. There shall be no commercial agricultural structures, except farmer's markets and agricultural product stands in the area subject to the conservation easement. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources State Historic Preservation Division (DLNR-SHPD) shall first determine whether an archaeological inventory survey shall be provided by Landowners for such area. Landowners shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD. Landowners shall supply adequate water for agricultural use in the areas subject to the conservation easement, to the maximum extent feasible. There shall be no removal of sand classified as Qdo in the USGS Mineral Resources Spatial Data as older dune deposits (Holocene and Pleistocene), from property identified for real property tax purposes as tax map keys (2) 3-6-002:003 and (2) 3-6-002:001.

17. Notification of Agricultural Use. Landowners, and all subsequent owners, shall disclose to developers, purchasers, and lessees of the provisions of Chapter 165, Hawaii Revised Statutes, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease, or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers, and lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term "farming operations" shall have the same meaning as provided in Section 165-2, Hawaii Revised Statutes.
18. Archaeological and Historic Sites. Landowners shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD's acceptance of Landowners' Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and

historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by Landowners; d) Landowners shall submit a preservation plan to DLNR-SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883); and e) If there is an inadvertent discovery of single or multiple human skeletal remains, Landowners shall provide written consent to DLNR-SHPD extending for at least 30 days the statutory timeline outlined in Section 13-300-40, Hawaii Administrative Rules. The preservation plan shall be submitted to the DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Landowners shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Landowners shall provide verification to the Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. Landowners shall notify DLNR-SHPD prior to the first ground disturbance activity.

19. Cultural. Landowners shall consult with those persons known as Waikapu Stream South Kuleana Lo'i Kalo Farmers and Hui o Na Wai 'Eha to minimize the impacts on their traditional customary rights and practices from any development in the Project Area. Additionally, Landowners shall grant access easements over the appropriate portions of the Project Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui (TMK: (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK: (2) 3-6-005:009) and in favor of the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK: (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK: (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK: (2) 3-6-005:066). The easements shall be recorded and run with the land.
20. Endangered Species. Landowners shall implement the following procedures to avoid potential impacts to endangered species: a) Landowners shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project Area during the period from June 1 to September 15 of each year, which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities; b) landowners shall consult with the United States Fish and Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Project Area; and c) for any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. Development in Compliance with Maui Island Plan. Landowners shall develop the Project in substantial compliance with the Planned Growth Area

Rationale and goals, objectives, policies, and implementing actions described in the Maui Island Plan for the Project identified as "Waikapu Tropical Plantation Town."

22. Infrastructure Deadline. Landowners shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and stormwater and drainage and other utility improvements within ten (10) years from the date of the first final subdivision approval.
23. Compliance with Representations to the Maui County Council. Landowners shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in enforcement, including reversion of the Project Area to its former zoning and community plan classifications.
24. Annual Reports. Landowners shall provide the Department an annual report on the status of the development of the Project Area and Landowners' progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.
25. The Project Area's Agricultural Master Plan, as set forth in Chapter III, Section 5 of the project's Final EIS identifies an agricultural preserve that is subject to an agricultural conservation easement, and a balance of approximately 270 acres that is mauka of Honoapiilani Highway, for which the zoning remains agriculture. The approximately 270-acre area is depicted in Exhibit "2" as being a portion of Lot 6 and identified as the Mauka Agricultural Lands. The use of the 270-acre area is restricted to the permitted principal uses in the County's Agricultural District and to only the following accessory uses: two farm dwellings per lot, one of which shall not exceed 1,000 square feet of developable area; storage, wholesale, and distribution facilities associated with agriculture in the County; processing of agricultural products; small-scale energy systems; small-scale animal-keeping; non-commercial open land recreation uses; and other uses that primarily support a permitted principal use, provided that such uses shall be approved by the appropriate planning commission as conforming to the intent of the County's Agricultural District. Landowners shall not seek county special use permits; state special permits; or approvals under Chapter 201H, Hawaii Revised Statutes. If subdivided, the 270-acre area shall consist of no more than five lots. Landowners shall record with the bureau of conveyances, or land court, as appropriate, this condition on property identified for real property tax purposes as tax map key (2) 3-6-004:003, as pertaining to the 270-acre area and provide proof of recordation to the Maui County Council prior to the first final subdivision approval, and

such condition shall run with the land and bind all future owners or lessees of the area.

26. Landowners shall, prior to the first final subdivision approval, implement as described the following priority projects in the Integrated Natural-Cultural Resource Preservation & Management Plan, dated June 2019, and attached as Exhibit "3":
 - A. Waikapū Watershed Management
 1. Priority Project #1 – prepare and initiate implementation of the 5-year Integrated Waikapū Watershed Management Plan.
 2. Priority Project #2 – establish the Mauna Kahalawai Watershed Partnership Perpetual Fund when a homeowners' association is established and generating revenue from residents and businesses within the Project Area.
 - B. Waikapū Stream
 1. Priority Project #1 – comply with instream flow standards and State water use permits.
 2. Priority Project #2 – support the kuleana 'auwai restoration in South Waikapū to the extent practicable.
 - C. Land and Cultural Resources
 1. Priority Project #1 – develop and initiate implementation of a plan to ensure access to the Waikapū Valley for Native Hawaiian traditional and customary practices and gathering while controlling access to the general public to protect natural and cultural resources.
 2. Priority Project #2 – Establish access easements for the two Mahi kuleana parcels
 3. Priority Project #3 – Establish the Waikapū Cultural Preserve, Cultural Corridor and Riparian Buffer and fund its management.
 4. Priority Project #4 – Integrate Waikapū ethnohistorical resources throughout the Project Area.
27. Landowners shall submit all street names in the Project Area for review and approval to the Public Works Commission. Streets in the Project Area shall be named in consideration of traditional land divisions, trade winds, and other natural and cultural factors relevant to the Project Area.