

**OFFICE OF PLANNING
AND SUSTAINABLE DEVELOPMENT**
 Leiopapa a Kamehameha, Room 600
 235 South Beretania Street
 Honolulu, Hawaii 96813
 Telephone: (808) 587-2846
 Facsimile: (808) 587-2824



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A15-798
)	
WAIKAPU PROPERTIES, LLC; MTP)	OFFICE OF PLANNING AND
LAND PARTNERS, LLC; WILLIAM S.)	SUSTAINABLE DEVELOPMENT'S
FILIOS, TRUSTEE OF THE WILLIAM S.)	RESPONSE TO PETITIONER'S MOTION
FILIOS SEPARATE PROPERTY TRUST)	FOR MODIFICATION OF CONDITION
DATED APRIL 3, 2000; AND WAIALE)	8(b) OF DECISION AND ORDER FILED
905 PARTNERS, LLC,)	ON FEBRUARY 26, 2018; OPSD
)	EXHIBIT 1; 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,)	
bearing Tax Map Key No. (2) 3-6-002: 003)	
(por), (2) 3-6-005: 007 (por).)	

**OFFICE OF PLANNING AND SUSTAINABLE DEVELOPMENT'S RESPONSE TO
PETITIONER'S MOTION FOR MODIFICATION OF CONDITION 8(b) OF DECISION
AND ORDER FILED ON FEBRUARY 26, 2018**

The Office of Planning and Sustainable Development ("OPSD") recommends approval,
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 (“Petitioners”) Motion to modify Condition No. 8(b) of Findings of Fact, Conclusions of Law, and Decision and Order dated February 26, 2018 (“D&O”) filed on July 2, 2021 (“Motion”).

The Motion requests that the Land Use Commission (“LUC”) modify Condition 8(b) to be consistent with the condition in the Change of Zone Ordinance approved by the Maui County Council in September 2019 specifically applicable to the mitigation of traffic impacts generated by the proposed project.

OPSD’s response is based on the representations and documents filed by the Petitioners, including comments received by Department of Transportation (“DOT”) on potential impacts to their facilities, programs, statutes and regulations applicable to these proceedings.

Condition No. 8

Petitioners’ Proposed Modification to Condition 8(b) is as follows (existing condition proposed to be deleted in strikethrough text, proposed new text is underlined):

- “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 the 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.~~
The Memoranda of Agreement shall be executed prior to the approval of the first subdivision application for the Project by the County of Maui.”

State Department of Transportation Comments

OPSD referred the Motion to the State DOT for their review and comments. The DOT submitted comments to OPSD dated August 11, 2021, indicating that the Department has been in discussions with the Petitioners, and supports the revision to Condition No. 8(b) in order to avoid construction delays to the proposed project. See OPSD Exhibit 1.

Conclusion

Based on the DOT's support of the proposed revision of the transportation condition, OPSD recommends approval of Petitioner's Motion to modify condition No. 8(b).

DATED: Honolulu, Hawaii, this September 9, 2021.

OFFICE OF PLANNING
AND SUSTAINABLE DEVELOPMENT
STATE OF HAWAII

Mary Alice Evans

MARY ALICE EVANS
DIRECTOR

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bearing Tax Map Key No. (2) 3-6-002:)	
003(por), (2) 3-6-005: 007 (por).)	
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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PLANNING COMMISSION
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One Main Plaza, Suite 315
Wailuku, Hawaii 96793

DATED: Honolulu, Hawaii, September 9, 2021.

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STATE OF HAWAII

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