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Attorneys for Petitioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition)	DOCKET NO. A15-798
of:)	
)	STIPULATION OF THE PARTIES ON
WAIKAPU PROPERTIES, LLC; MTP)	PETITIONER'S MOTION FOR
LAND PARTNERS, LLC; WILLIAM S.)	MODIFICATION DATED JULY 2,
FILIOS, Trustee of the William)	2021
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, 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).)	

**STIPULATION OF THE PARTIES ON PETITIONER'S MOTION FOR
MODIFICATION DATED JULY 2, 2021**

With respect to the Motion for Modification of Condition 8(b) of Decision and Order Filed on February 26, 2018, that was filed with the State Land Use Commission July 2, 2021, the undersigned parties, by and through their counsel, hereby enter into this Stipulation. The undersigned parties stipulate to the following:

1. Condition 8(b) of Decision and Order Filed on February 26, 2018 (the "D&O"), and Condition 1(a) of Ordinance 4998 (2019), approving a change of zoning of the subject property, are inconsistent in regards to the conditions precedent to the submittal of a subdivision application for the Waikapu Country Town Project (the "Project").

2. The Project will provide much needed affordable housing on the island of Maui.

3. The proposed amendment to Condition 8(b) of the D&O to be consistent with Condition 1(a) of Ordinance 4998 (2019), will allow the Petitioner to commence the subdivision process at an earlier date, which will allow the Project to continue to progress, potentially leading to the development of

housing, both affordable and market-rate, on Maui at an earlier date.

4. Petitioner will be required to fulfill the condition to enter into separate Memoranda of Agreement mitigating Project-generated traffic impacts that will be executed by the County of Maui and the State of Hawaii Department of Transportation prior to approval of the first subdivision application to the County of Maui for the Project.

5. That the parties hereto shall not oppose a decision by the Commission to amend Condition 8(b) of Decision and Order Filed on February 26, 2018, in accordance with Section 15-15-94(b), HAR, to allow petitioner to submit an application for subdivision for the Project prior to the execution of separate Memoranda of Agreement with the State of Hawaii Department of Transportation and the County of Maui;

6. That the parties hereto waive the procedural requirements as set forth in Chapters 91 and 205, Hawaii Revised Statutes, and Chapter 15-15, HAR, pertaining to notices, hearings and proceedings, and agree that the Commission may proceed with the disposition of the requests made herein; and

7. That this Stipulation may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

(SIGNATURES ON THE FOLLOWING PAGE)

DATED: Kahului, Hawai`i, September 13, 2021.



Paul R. Mancini
Jeffrey T. Ueoka

Attorneys for Petitioner

DATED: Honolulu, Hawai`i, _____, 2021.

Alison S. Kato

Attorney for State of Hawai`i
Office of Planning and
Sustainable Development

DATED: Wailuku, Hawai`i, _____, 2021.

Michael J. Hopper

Attorney for County of Maui
Department of Planning

*In the Matter of the Petition 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*

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Paul R. Mancini
Jeffrey T. Ueoka

Attorneys for Petitioner

DATED: Honolulu, Hawai`i, _____, 2021.

Alison S. Kato

Attorney for State of Hawai`i
Office of Planning and
Sustainable Development

DATED: Wailuku, Hawai`i, September 13, 2021.

/s/ Michael J. Hopper

Michael J. Hopper

Attorney for County of Maui
Department of Planning

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DATED: Kahului, Hawai`i, _____, 2021.

Paul R. Mancini
Jeffrey T. Ueoka

Attorneys for Petitioner

DATED: Honolulu, Hawai`i, 9/13/21, 2021.



Alison S. Kato

Attorney for State of Hawai`i
Office of Planning and
Sustainable Development

DATED: Wailuku, Hawai`i, _____, 2021.

Michael J. Hopper

Attorney for County of Maui
Department of Planning

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