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Attorneys for Petitioner
Department of Accounting and General Services

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In The Matter of the Petition of)	DOCKET NO. SP23-415
)	
STATE OF HAWAI'I,)	STIPULATION REGARDING REMAND OF
DEPARTMENT OF ACCOUNTING)	THE PETITION FOR SPECIAL USE
AND GENERAL SERVICES)	PERMIT TO THE CITY AND COUNTY OF
)	HONOLULU'S PLANNING COMMISSION
For a Special Use Permit for the Waiawa)	TO SUPPLEMENT THE RECORD;
Correctional Facility on approximately)	CERTIFICATE OF SERVICE
24 acres of land within the State Land)	
Use Agricultural District at Waiawa, Ewa)	
District of O'ahu, Hawai'i; Tax Map Key No.)	
(1) 9-6-005: 011 (por.))	
_____)	

STIPULATION REGARDING REMAND OF THE PETITION
FOR SPECIAL USE PERMIT TO THE CITY AND COUNTY OF
HONOLULU'S PLANNING COMMISSION TO SUPPLEMENT THE RECORD

WHEREAS, on September 2, 2022, the State of Hawai'i Department of Accounting and General Services (DAGS) filed an after the fact Application for a Special Use Permit for the Waiawa Correctional Facility with the City and County of Honolulu Department of Planning and Permitting (DPP), pursuant to section 205-6, Hawaii Revised Statutes (HRS), and section 15-15-

95, et seq., Hawaii Administrative Rules (HAR); and

WHEREAS, on January 11, 2023, the Planning Commission considered the Application and, after due deliberation, the Planning Commission recommended approval of the Application to the State of Hawai'i Land Use Commission (LUC) subject to conditions; and

WHEREAS, upon review of the record supporting the Application for a Special Use Permit, DAGS found that cogent facts and evidence had not been included in the record or the decision from the Planning Commission; and

WHEREAS, under HRS § 205-6 and HAR § 15-15-95, the Land Use Commission's review is based solely on the record from below, so DAGS would not have an opportunity to present a full and complete record in support of the Application to the Land Use Commission at this time; and

WHEREAS, DAGS would like an opportunity to supplement the record and the Planning Commission's decision before putting this matter before the Land Use Commission; and

WHEREAS, upon the conclusion of further proceedings below, DAGS will present the Petition, together with the supplemented record, to the Land Use Commission for review and decision.

IT IS HEREBY STIPULATED by and amongst the parties described below, through their respective undersigned counsel, as follows:

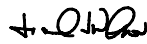
1. DAGS will submit to the City and County of Honolulu's Planning Commission the additional facts and evidence as additional support for the Application for Special Use Permit for due consideration in connection with the previously submitted Application and supporting evidence; and

2. DPP will assist DAGS in the submission of additional facts and evidence to the

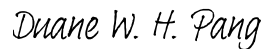
Planning Commission for the Planning Commission's consideration in due course; and

3. Upon approval of the LUC to this process, the parties shall be put back in the same position as they were at prior to the deliberation and decision by the Planning Commission of the original Application; and

4. OPSD has entered into this stipulation for the sole purpose of allowing the evidence in this case to be supplemented before being brought back to the LUC for full consideration.



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