

CARLSMITH BALL LLP

LAND USE COMMISSION
STATE OF HAWAII

STEVEN S. C. LIM 2505
JENNIFER A. LIM 8357
PUANANIONAONA P. THOENE 10005
ASB TOWER
1001 Bishop Street, Suite 2100
Honolulu, Hawai'i 96813
Tel No. 808.523.2500
Fax No. 808.523.0842

2014 NOV 18 P 3: 48

Attorneys for Successor Petitioner (To Parcel 52)
HO'OHANA SOLAR 1, LLC

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

In the Matter of the Petition of

HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

DOCKET NO. A92-683

STIPULATION TO ADMISSIBILITY OF
EXHIBITS FILED BY THE PARTIES;
CERTIFICATE OF SERVICE

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District for
Approximately 503.886 Acres at Waikele and
Ho'ae'ae, 'Ewa, O'ahu, City and County of
Honolulu, State of Hawai'i, Tax Map Key No.
9-4-02: 1, portion of 52, 70 and 71

STIPULATION TO ADMISSIBILITY OF EXHIBITS FILED BY THE PARTIES

Successor Petitioner (To Parcel 52), HO'OHANA SOLAR 1, LLC, a Delaware limited liability company ("**Successor Petitioner**" or "**Ho'ohana**"), the STATE OF HAWAI'I OFFICE OF PLANNING ("**OP**"), and the CITY AND COUNTY OF HONOLULU DEPARTMENT OF PLANNING AND PERMITTING ("**DPP**"), hereby stipulate and agree that Successor Petitioner's Exhibits 1 through and including 34I (listed in Exhibit A attached hereto), the OP's Exhibits 1 through and including 13 (listed in Exhibit B attached hereto), and any Exhibits filed by DPP (collectively, the "**Exhibits**") filed with the State of Hawai'i Land Use Commission (the

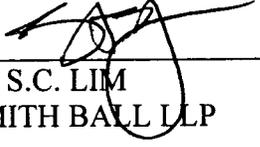
"Commission") in this Docket No. A92-683 under Ho'ohana's *Motion for Order Amending the Amended Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996*, filed with the Commission on August 11, 2014, and *Motion for Order Bifurcating the Amended Findings of Facts, Conclusions of Law, and Decision and Order filed on October 1, 1996*, filed with the Commission on October 22, 2014, subject to approval by the Commission, shall be admitted into evidence in Docket A92-683 for the purpose of expediting the hearing on this matter; provided, however, that the parties reserve the right to present rebuttal exhibits at the Commission hearing on November 21, 2014, and any subsequent hearing on this matter.

The parties hereto agree 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 instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original of 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.

SO STIPULATED:

HO'OHANA SOLAR 1, LLC, Successor
Petitioner to Parcel 52

BY: 
STEVEN S.C. LIM
CARLSMITH BALL LLP

ITS: Attorney
DATED: Honolulu, Hawai'i November 18,
2014

STATE OF HAWAI'I OFFICE OF
PLANNING

BY: _____
BRYAN C. YEE

ITS: Deputy Attorney General
DATED: Honolulu, Hawai'i November ____,
2014

DEPARTMENT OF PLANNING AND
PERMITTING, CITY AND COUNTY OF
HONOLULU

BY: _____
RICHARD LEWALLEN

ITS: Deputy Corporation Counsel
DATED: Honolulu, Hawai'i November ____,
2014

SO STIPULATED:

HO'OHANA SOLAR 1, LLC, Successor
Petitioner to Parcel 52

BY: _____
STEVEN S.C. LIM
CARLSMITH BALL LLP

ITS: Attorney

DATED: Honolulu, Hawai'i November ____,
2014

STATE OF HAWAI'I OFFICE OF
PLANNING

BY: Bryan C Yee
BRYAN C. YEE

ITS: Deputy Attorney General

DATED: Honolulu, Hawai'i November 17,
2014

DEPARTMENT OF PLANNING AND
PERMITTING, CITY AND COUNTY OF
HONOLULU

BY: _____
RICHARD LEWALLEN

ITS: Deputy Corporation Counsel

DATED: Honolulu, Hawai'i November ____,
2014

SO STIPULATED:

HO'OHANA SOLAR 1, LLC, Successor
Petitioner to Parcel 52

BY: _____
STEVEN S.C. LIM
CARLSMITH BALL LLP

ITS: Attorney

DATED: Honolulu, Hawai'i November ____,
2014

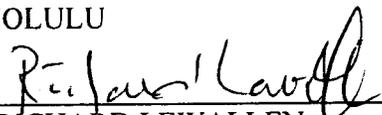
STATE OF HAWAI'I OFFICE OF
PLANNING

BY: _____
BRYAN C. YEE

ITS: Deputy Attorney General

DATED: Honolulu, Hawai'i November ____,
2014

DEPARTMENT OF PLANNING AND
PERMITTING, CITY AND COUNTY OF
HONOLULU

BY:  _____
RICHARD LEWALLEN

ITS: Deputy Corporation Counsel

DATED: Honolulu, Hawai'i November 18,
2014

CARLSMITH BALL LLP

LAND USE COMMISSION
STATE OF HAWAII

STEVEN S. C. LIM 2505
JENNIFER A. BENCK 8357
PUANANIONAONA P. THOENE 10005
ASB TOWER
1001 Bishop Street, Suite 2100
Honolulu, Hawai'i 96813
Tel No. 808.523.2500
Fax No. 808.523.0842

2014 NOV 18 P 2:13

Attorneys for Successor Petitioner (To Parcel 52)
HO'OHANA SOLAR 1, LLC

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of

HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District for
Approximately 503.886 Acres at Waikele and
Ho'ae'ae, 'Ewa, O'ahu, City and County of
Honolulu, State of Hawai'i, Tax Map Key No.
9-4-02: 1, portion of 52, 70 and 71

DOCKET NO. A92-683

SUCCESSOR PETITIONER (TO PARCEL
52), HO'OHANA SOLAR 1, LLC'S
THIRD LIST OF EXHIBITS;
SUCCESSOR PETITIONER'S THIRD
LIST OF WITNESSES; SUCCESSOR
PETITIONER'S EXHIBITS 34A – 34I;
CERTIFICATE OF SERVICE

**SUCCESSOR PETITIONER'S THIRD LIST OF EXHIBITS;
SUCCESSOR PETITIONER'S THIRD LIST OF WITNESSES;
SUCCESSOR PETITIONER'S EXHIBITS 34A – 34I**

Successor Petitioner to the portion of the Petition Area identified as Tax Map Key No. (1)
9-4-02: 052 ("**Parcel 52**"), HO'OHANA SOLAR 1, LLC, by and through its legal counsel,
CARLSMITH BALL LLP, hereby respectfully submits to the State of Hawai'i Land Use
Commission (the "**Commission**"), *Successor Petitioner's Third List of Exhibits; Successor
Petitioner's Third List of Witnesses; Successor Petitioner's Exhibits 34A – 34I; Certificate of*

Service. This document amends, restates, and incorporates in a single list all of the prior exhibit lists and witness lists filed by Successor Petitioner in Docket No. A92-683.

Successor Petitioner's List of Exhibits filed with the Commission on October 22, 2014 was mistakenly labeled as "SUCCESSOR PETITIONER HO'OHANA SOLAR 1, LLC'S *FIRST* LIST OF EXHIBITS LAND USE COMMISSION DOCKET NO. A92-683" but should have read "SUCCESSOR PETITIONER HO'OHANA SOLAR 1, LLC'S *SECOND* LIST OF EXHIBITS LAND USE COMMISSION DOCKET NO. A92-683".

Successor Petitioner incorporates the exhibits filed by the parties to the Motion to Amend, and reserves the right to call the witnesses listed by the parties to the Motion to Amend.

DATED: Honolulu, Hawai'i, November 18, 2014.



STEVEN S.C. LIM
JENNIFER A. BENCK
PUANANIONAONA P. THOENE

Attorneys for Successor Petitioner to Parcel 52
HO'OHANA SOLAR 1, LLC

**SUCCESSOR PETITIONER HO'OHANA SOLAR 1, LLC'S
THIRD LIST OF EXHIBITS
LAND USE COMMISSION DOCKET NO. A92-683**

Successor Petitioner's Exhibits 1-16 were filed with the Commission on August 11, 2014 as a part of Ho'ohana's *Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996* in Docket No. A92-683.

Successor Petitioner's Exhibits 17-22 were filed with the Commission on October 8, 2014 as part of Ho'ohana's *Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996* in Docket No. A92-683.

Successor Petitioner's Exhibits 13D, 23-33 were filed with the Commission on October 22, 2014 as part of Ho'ohana's *Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996* in Docket No. A92-683.

Successor Petitioner's Exhibits 34A-34I were filed with the Commission on November 18, 2014 as part of Ho'ohana's *Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996* in Docket No. A92-683.

EX. NO.	DESCRIPTION	PARTY OBJECTIONS	ADMIT
1.	Map of the Petition Area in Docket No. A92-683, TMK Nos. (1) 9-4-002: 001 (por.), 052, 070, 071, 078 and 079 superimposed of the current tax map; GIS map showing the existing development southeast of and adjacent to the Petition Area		
2A.	Graphic showing the State Land Use District classifications of the Petition Area and surrounding properties		
2B.	Map of the Petition Area with an overlay of the current zoning		
2C.	Map of the regions covered by the Central O'ahu Sustainable Communities Plan		
2D.	Portions of the City and County of Honolulu Land Use Ordinances Master Use Table 21-3		
3.	Excerpts from the Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996 in Docket No. A92-683 ("1996 Order")		

4.	Excerpts from the Development Plan and Final Environmental Assessment for Royal Kunia, Phase II, Increment 3, dated May 1996	WITHDRAWN/ CORRECTED	
4.	(Errata) Excerpts from the Development Plan and Final Environmental Assessment for Royal Kunia, Phase II, Increment 3, dated May 1996, filed on October 17, 2014		
5.	Memorandum of Option Agreement between Robinson Kunia Land, LLC and Forest City Sustainable Resources, LLC, dated August 2, 2012		
6.	Ho'ohana team fact sheet		
7.	Robinson Kunia Land, LLC's consent to the Motion to Amend		
8.	Graphic explaining the Project's interconnection to the HECO electric grid vs. residential interconnection to the grid		
9.	Electrical site plan		
10.	Photograph of the photovoltaic ("PV") modules		
11.	Schematics of the PV modules racking and tracker systems, Project substations, inverters, concrete pads, and fencing		
12.	Archaeological Inventory Survey for Parcel 52 and Plantation Road		
13A.	Letter from Senator Mike Gabbard in support of the Ho'ohana Solar Project		
13B.	Letter from Blue Planet Hawai'i in support of the Ho'ohana Solar Project		
13C.	Letter from the Royal Kunia Country Club in support of the Ho'ohana Solar Project		
13D.	Letter from Senator Michelle Kidani in support of the Ho'ohana Solar Project		
14.	View study of the Ho'ohana Solar Project from surrounding neighborhoods		

15.	Title reports for the Petition Area		
16.	Letter from Steven S.C. Lim to Daniel Orodener, dated July 31, 2014		
17.	Revised Preliminary Solar Farm Layout		
18.	Natural Resources Survey for the Ho'ohana Solar Farm site in Kunia, O'ahu		
19.	Construction Traffic Assessment for the Proposed Ho'ohana Solar Farm		
20A.	Letter from Clifford Smith, Meridian 158, LLC, to Larry Greene, Director of Public Policy and Business Development, Hanwha Solar Energy America, dated October 8, 2014		
20B.	Federal Aviation Administration ("FAA") Determination of No Hazard to Air Navigation, dated October 8, 2014 (Because the FAA Determinations for each of the 20 points studied are identical in substance, only one determination is filed herein.)		
20C.	FAA Project Submission Success sheet, submitted August 10, 2014		
20D.	Summary Solar Glare Hazard Analysis Report Table for Honolulu International Airport; Project Coordinate Summary Table ("Exhibit A")		
21.	Letter from Sanford S.C. Yuen, P.E., Department of the Navy, to Mr. Clarence K. Tanonaka, Assistant to the President ParEn. Inc. dba Park Engineering, dated January 11, 1996		
22.	Sample lighting cut-off standards		
23.	Resume of Jeffrey H. Overton, AICP, LEED AP, Principal, Group 70 International, Inc.		
24.	Resume of Laurence Greene, Director of Public Policy and Business Development, Hanwha Solar Energy America		

25.	Resume of Robert L. Spear, Ph.D., Principal Investigator, Scientific Consultant Services, Inc.		
26.	Resume of Jon Wallenstrom, President, Forest City Hawaii		
27.	Curriculum Vitae of Ann Bouslog, Development Manager, Forest City Hawaii		
28.	Resume of Clifford Smith, Principal, Meridian 158, LLC		
29.	Resume of Sohrab Rashid T.E., Principal, Fehr & Peers		
30.	Resume of Eric B. Guinther, Senior Ecologist, AECOS Inc.		
31.	Resume of Joanne (Nonie) Toledo Hamm, President & CEO, Nonie Toledo & Associates, Inc.		
32.	Royal Kunia – Phase II Drainage Master Plan		
33.	Royal Kunia Phase II: Increment III Engineering Study		
34A.	Written direct testimony of Jeffrey H. Overton		
34B.	Written direct testimony of Clifford Smith		
34C.	Written direct testimony of Laurence Greene		
34D.	Written direct testimony of Jon Wallenstrom		
34E.	Written direct testimony of Robert L. Spear		
34F.	Written direct testimony of Eric B. Guinther		
34G.	Written direct testimony of Sohrab Rashid		
34H.	Written direct testimony of Joanne (Nonie) Toledo Hamm		
34I.	Written direct testimony of Ann Bouslog		

**SUCCESSOR PETITIONER HO'OHANA SOLAR 1, LLC'S
THIRD LIST OF WITNESSES - LAND USE COMMISSION DOCKET NO. A92-683**

Name, Position, Organization	To be qualified as a witness in:	Subject Matter	Exhibit Nos.	Written Testimony	Length of Direct
Jeffrey H. Overton, AICP, LEED AP, Principal, Group 70 International, Inc.	Land use and environmental planning	Land use and environmental planning	1-4, 8-12-15, 17, 19, 23, 32, 34A	Yes	30
Clifford Smith, Principal, Meridian 158, LLC	Utility-scale renewable energy development	Project management	8-11, 17, 20A-20D, 28, 34B	Yes	20
Laurence Greene, Director of Public Policy and Business Development, Hanwha Solar Energy America	Utility scale solar development projects	Overall project analysis	6, 17, 22, 24, 34C	Yes	20
Jon Wallenstrom, President, Forest City Hawaii	Large-scale project development	Project development	5, 6, 26, 34D	Yes	15
Joanne (Nonie) Toledo Hamm, President & CEO, Nonie Toledo & Associates, Inc.	N/A	Community outreach	13A-13D, 31	Yes	10
Robert L. Spear, Ph.D., Principal Investigator, Scientific Consultant Services, Inc.	Archaeology	Archaeological, cultural and historic resources	12, 25	Yes	10
Eric B. Guinther, Senior Ecologist, AECOS Inc.	Ecology, natural resources, environmental survey reports	Natural resources	18, 30	Yes	10

Sohrab Rashid T.E., Principal, Fehr & Peers	Transportation planning and traffic engineering	Traffic Management	19, 29	Yes	N/A
Ann Bouslog, Development Manager, Forest City Hawaii	N/A	Project development and renewable energy sector	16, 27	Yes	10
Allan Zawtocky, Co-Trustee under the Will and of the Estate of Mark Alexander Robinson, and Co-Trustee under that Certain Deed of Trust executed by Mark Alexander Robinson and Mary Kapuahaulani Hart Robinson, Members, Robinson Kunia Land LLC	N/A	Landowner representative	7	No	10

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

In the Matter of the Petition of
HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District for
Approximately 503.886 Acres at Waikele and
Ho'ae'ae, 'Ewa, O'ahu, City and County of
Honolulu, State of Hawai'i, Tax Map Key No.
9-4-02: 1, portion of 52, 70 and 71

DOCKET NO. A92-683

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

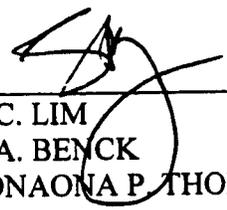
I hereby certify that due service of a copy of the foregoing was served upon the following
by hand delivery or by U.S. Mail, postage prepaid, on November 18, 2014, addressed to:

HAND DELIVERY	LEO R. ASUNCION, JR., Acting Director Office of Planning State Office Tower, 6th Floor 235 South Beretania Street Honolulu, Hawai'i 96813
HAND DELIVERY	DAVID M. LOUIE, Esq. BRYAN C. YEE, Esq. Deputy Attorney General Commerce and Economic Development Department of the Attorney General 425 Queen Street Honolulu, Hawai'i 96813
HAND DELIVERY	GEORGE I. ATTA, Director Department of Planning and Permitting City and County of Honolulu 650 South King Street, 7th Floor Honolulu, Hawai'i 96813

HAND DELIVERY	DONNA Y.L. LEONG, Esq. DON S. KITAOKA, Esq. RICHARD LEWALLEN, Esq. Deputy Corporation Counsel Department of the Corporation Counsel Honolulu Hale 530 South King Street, Room 110 Honolulu, Hawai'i 96813
U.S. MAIL	ROBINSON KUNIA LAND LLC c/o RUSH MOORE LLP ATTN: MR. STEPHEN K.C. MAU, ESQ. Pacific Guardian Center, Mauka Tower 737 Bishop Street, Suite 2400 Honolulu, HI 96813
U.S. MAIL	FOREST CITY SUSTAINABLE RESOURCES, LLC ATTN: ANN BOUSLOG 5173 Nimitz Road Honolulu, HI 96818
U.S. MAIL	HANWHA Q CELLS USA CORP. ATTN: LAURENCE GREENE 8001 Irvine Center Drive, Suite 1250 Irvine, CA 92618
U.S. MAIL	HALEKUA DEVELOPMENT CORPORATION ATTN: THE HORITA GROUP, INC. MR. JOSHUA HORITA 98-150 Kaonohi Street B128 Aiea, HI 96701
U.S. MAIL	CANPARTNERS IV ROYAL KUNIA PROPERTY LLC c/o MATSUBARA - KOTAKE ATTN: MR. WYETH M. MATSUBARA, ESQ. 888 Mililani Street, 8th Floor Honolulu, HI 96813
U.S. MAIL	HRT REALTY, LLC c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813

U.S. MAIL	300 CORPORATION c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813
U.S. MAIL	HONOLULU LIMITED c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813
U.S. MAIL	RKES, LLC ATTN: PATRICK K. KOBAYASHI 1288 Ala Moana Boulevard, Suite 201 Honolulu, HI 96814

DATED: Honolulu, Hawai'i, November 18, 2014.


 STEVEN S.C. LIM
 JENNIFER A. BENCK
 PUANANIONAONA P. THOENE

Attorneys for Successor Petitioner to Parcel 52
HO'OHANA SOLAR 1, LLC

ORIGINAL

OFFICE OF PLANNING
Leiopapa a Kamehameha, 6th Floor
235 South Beretania Street
Honolulu, Hawaii 96813
Telephone: (808) 587-2846
Facsimile: (808) 587-2824

LAND USE COMMISSION
STATE OF HAWAII

2014 NOV 17 P 12:42

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A92-683
)	
HALEKUA DEVELOPMENT)	OFFICE OF PLANNING'S SECOND
CORPORATION)	AMENDED LIST OF EXHIBITS;
)	EXHIBITS 12 AND 13; CERTIFICATE
To Amend the Agricultural Land Use)	OF SERVICE
District Boundary into the Urban Land Use)	
District of Approximately 504.886 Acres of)	
Land at Waikele and Hoaeae, Ewa, Island of)	
Oahu, Hawaii, Tax Map Key Nos: (1) 9-4-)	
002: 001; por. of 052, 070 and 071)	
)	

OFFICE OF PLANNING'S SECOND AMENDED LIST OF EXHIBITS,
EXHIBITS 12 AND 13, AND CERTIFICATE OF SERVICE

EXHIBIT B

LAND USE COMMISSION

DOCKET NO./PETITIONER: A92-683 HOOHANA SOLAR 1, LLC
PARTY: OFFICE OF PLANNING (OP)

**SECOND AMENDED
LIST OF EXHIBITS**

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Map, <i>Petition Location and Regional Overview</i> , OP		
2	State Department of Land and Natural Resources (DLNR), State Historic Preservation Division (SHPD) Letter to Russel Tsuji and Leo R. Asuncion, dated September 19, 2014		
3	State Department of Transportation (DOT) Letter to Leo R. Asuncion, dated September 17, 2014		
4	State Department of Agriculture (DOA) Letter to Leo R. Asuncion, dated September 23, 2014		
5	U.S. Department of the Interior Fish and Wildlife Service Letter to Leo R. Asuncion, dated September 23, 2014		
6	State Department of Land and Natural Resources (DLNR), Land Division Letter to Leo R. Asuncion, dated September 18, 2014		
7	State Department of Agriculture (DOA), Agricultural Resource Management Division Email Correspondence to Jenny Lee, dated October 2, 2014 including the Amendment and Restatement of MOU (3/2/2007), First Amendment to Amend. & Restate. of MOU, and Second Amendment to Amend. & Restate. of MOU		

LAND USE COMMISSION

DOCKET NO./PETITIONER: A92-683 HOOHANA SOLAR 1, LLC

PARTY: OFFICE OF PLANNING (OP)

**SECOND AMENDED
LIST OF EXHIBITS**

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
8	Carlsmith Ball LLP Letter to Bryan C. Yee, dated September 26, 2014 including a Status Report on the Applicant's Compliance with Conditions of Amended Decision and Order, and Natural Resources Survey for the Hoohana Solar Farm Site in Kunia, Oahu		
9	Memorandum of Understanding between the State Department of Agriculture and Halekua Development Corporation, dated March 30, 1993		
10	Stipulation between the Office of Planning and HRT Entities regarding the 150 acre Agricultural Park Site, dated December 29, 2003		
11	State Department of Education (DOE) Letter to Rodney Y. Funakoshi, dated October 31, 2014		
<u>12</u>	<u>State Department of Agriculture, Royal Kunia Agricultural Park Chronology</u>		
<u>13</u>	<u>State Department of Agriculture, Royal Kunia Agricultural Park Conceptual Site Plan</u>		

**ROYAL KUNIA PHASE II
ROYAL KUNIA AGRICULTURAL PARK**

HISTORY:

	<u>Date</u>	<u>Commence Date</u>	<u>Completion Date</u>
1. A report entitled, "Royal Kunia Phase II: Impact on Agriculture" was prepared by Decision Analysts Hawaii, Inc. The report stated "The agricultural value of the Property is high. The Property has all the natural attributes necessary for the successful cultivation of agricultural commodities. It has fertile soils, low incidences of cloud cover, high levels of insolation, and access to inexpensive irrigation water."	July 1992		
2. Memorandum of Understanding ("MOU") Halekua Development and the Department of Agriculture ("DOA"):	03/30/1993		
a. Jointly prepare a site plan with DOA.			
b. Convey 150-acre site within six (6) months of receiving all necessary land approvals or 12/31/1997, whichever occurs sooner.			12/31/1997
c. Initiate infrastructure improvements within one (1) year of conveyance of the property and shall complete the improvements within thirty (30) months thereafter.		12/31/1997	06/30/2001
3. Findings of Fact, Conclusions of Law, and Decision and Order; Condition No. 22	12/09/1993		
4. Findings of Fact, Conclusions of Law, and Decision and Order; Condition No. 19	10/01/1996		

	<u>Date</u>	<u>Commence Date</u>	<u>Completion Date</u>
5. Stipulation between the Office of Planning and the HRT Ltd., 300 Corporation and Honolulu, Ltd.	12/29/2003		
a. In the event Halekua fails to perform its obligation to convey 150 acres of agricultural land to the State of Hawaii by January 31, 2004, then, HRT, Ltd. shall proceed to acquire the 150 acres no later than February 28, 2004.			02/28/2004
b. The Office of Planning agrees to enter an Order providing that (1) the HRT Lands shall not be reclassified for any use other than the presently designated uses, unless such reclassification is made at the request of HRT; (2) that Halekua's failure to fulfill any of the terms and conditions of the 1996 LUC Order shall have no adverse effect upon the HRT Lands; (3) that should Halekua fail to comply with any other condition of the 1996 LUC Order, then in such event, the Land Use Commission shall give notice to HRT, and HRT shall have the right to cure, at its sole discretion, such default on behalf of Halekua.			
6. Warranty Deed with Reversion, recorded in the Bureau of Conveyances as Document as 2004-040601	02/27/2004		

- | | | | |
|--|------------|------------|------------|
| 7. Amendment and Restatement of MOU | 03/02/2007 | | |
| a. Acknowledges conveyance of 150 acres to DOA. | | | |
| b. Halekua shall incorporate the state agricultural park into its land plan for the Royal Kunia Phase II subdivision and jointly with the DOA shall prepare a preliminary site plan for the state agricultural park. | | | 12/31/2008 |
| c. Substantially complete the construction and installation of the off-site infrastructure to service the ag park. | | | 12/31/2011 |
| 8. First Amendment to Amendment and Restatement of MOU | 02/19/2009 | | |
| a. Extends the requirement for Halekua to complete and submit the preliminary site plan to DOA from 12/31/2008 to 12/31/2009. | | 12/31/2008 | 12/31/2009 |
| b. By extension, substantially complete the construction and installation of the off-site infrastructure. | | | 12/31/2011 |
| 9. Second Amendment to Amendment and Restatement of MOU | 09/12/2012 | | |
| a. Extends the requirement for Halekua to complete and submit the preliminary site plan to DOA from 12/31/2009 to 12/31/2013. | | 12/31/2009 | 12/31/2013 |
| b. By extension, substantially complete the construction and installation of the off-site infrastructure. | | | 12/31/2016 |

Docket No. A92-683

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.

STEVEN S.C. LIM, Esq.
JENNIFER A. BENCK, Esq.
PUANANIONAONA P. THOENE, Esq.
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, Hawaii 96813

GEORGE I. ATTA, DIRECTOR
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Flr.
Honolulu, Hawaii 96813

DONNA Y.L. LEONG, Esq.
DON S. KITAOKA, Esq.
RICHARD LEW ALLEN, Esq.
Department of the Corporation Counsel
Honolulu Hale, Room 110
530 South King Street
Honolulu, Hawaii 96813

ROBINSON KUNIA LAND LLC
c/o RUSH MOORE LLP
ATTN: MR. STEPHEN K.C. MAU, Esq.
Pacific Guardian Center, Mauka Tower
737 Bishop Street, Suite 2400
Honolulu, Hawaii 96813

FOREST CITY SUSTAINABLE RESOURCES, LLC
ATTN: ANN BOUSLOG
5173 Nimitz Road
Honolulu, Hawaii 96818

HANWHA HAWAII LLC
ATTN: THE CORPORATION COMPANY, INC.
1136 Union Mall, Suite 301
Honolulu, Hawaii 96813

HANWHA Q CELLS USA COPR.
ATTN: LAURENCE GREEM
8001 Irvine Center Drive, #1250
Irvine, CA 92618

HALEKUA DEVELOPMENT CORPORATION
ATTN: THE HORITA GROUP, INC.
MR. JOSHUA HORITA
98-150 Kaonohi Street, B128
Aiea, Hawaii 96701

CANPARTNERS IV ROYAL KUNIA PROPERTY LLC.
c/o MATSUBARA - KOTAKE
ATTN: MR. WYETH M. MATSUBARA, ESQ.
888 Mililani Street, 8th Floor
Honolulu, Hawaii 96813

HRT REALTY, LLC
c/o LAW OFFICES OF REUBEN WONG
ATTN: MR. DELWYN H.W. WONG
1164 Bishop Street, Suite 1006
Honolulu, Hawaii 96813

300 CORPORATION
c/o LAW OFFICES OF REUBEN WONG
ATTN: MR. DELWYN H.W. WONG
1164 Bishop Street, Suite 1006
Honolulu, Hawaii 96813

HONOLULU LIMITED
c/o LAW OFFICES OF REUBEN WONG
ATTN: MR. DELWYN H.W. WONG
1164 Bishop Street, Suite 1006
Honolulu, Hawaii 96813

RKES, LLC
ATTN: MR. PATRICK K. KOBAYASHI
1288 Ala Moana Boulevard, Suite 201
Honolulu, Hawaii 96814

DATED: Honolulu, Hawaii, this 17th day of November 2014.


LEO R. ASUNCION
Acting Director
Office of Planning

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

To Amend the Agricultural In the Matter of the
Petition of

DOCKET NO. A92-683

HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

To Amend the Agricultural Land Use District
Boundary into the Urban Land Use District for
Approximately 503.886 Acres at Waikele and
Ho'ae'ae, 'Ewa, O'ahu, City and County of
Honolulu, State of Hawai'i, Tax Map Key No.
9-4-02: 1, portion of 52, 70 and 71

CERTIFICATE OF SERVICE

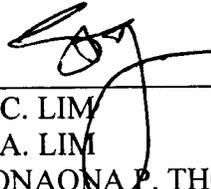
CERTIFICATE OF SERVICE

I hereby certify that due service of a copy of the foregoing was served upon the following
by hand delivery or by U.S. Mail, postage prepaid, on November 18, 2014, addressed to:

HAND DELIVERY	LEO R. ASUNCION, JR., Acting Director Office of Planning State Office Tower, 6th Floor 235 South Beretania Street Honolulu, Hawai'i 96813
HAND DELIVERY	DAVID M. LOUIE, Esq. BRYAN C. YEE, Esq. Deputy Attorney General Commerce and Economic Development Department of the Attorney General 425 Queen Street Honolulu, Hawai'i 96813
HAND DELIVERY	GEORGE I. ATTA, Director Department of Planning and Permitting City and County of Honolulu 650 South King Street, 7th Floor Honolulu, Hawai'i 96813

HAND DELIVERY	DONNA Y.L. LEONG, Esq. DON S. KITAOKA, Esq. RICHARD LEWALLEN, Esq. Deputy Corporation Counsel Department of the Corporation Counsel Honolulu Hale 530 South King Street, Room 110 Honolulu, Hawai'i 96813
U.S. MAIL	ROBINSON KUNIA LAND LLC c/o RUSH MOORE LLP ATTN: MR. STEPHEN K.C. MAU, ESQ. Pacific Guardian Center, Mauka Tower 737 Bishop Street, Suite 2400 Honolulu, HI 96813
U.S. MAIL	FOREST CITY SUSTAINABLE RESOURCES, LLC ATTN: ANN BOUSLOG 5173 Nimitz Road Honolulu, HI 96818
U.S. MAIL	HANWHA Q CELLS USA CORP. ATTN: LAURENCE GREENE 8001 Irvine Center Drive, Suite 1250 Irvine, CA 92618
U.S. MAIL	HALEKUA DEVELOPMENT CORPORATION ATTN: THE HORITA GROUP, INC. MR. JOSHUA HORITA 98-150 Kaonohi Street B128 Aiea, HI 96701
U.S. MAIL	CANPARTNERS IV ROYAL KUNIA PROPERTY LLC c/o MATSUBARA – KOTAKE ATTN: MR. WYETH M. MATSUBARA, ESQ. 888 Mililani Street, 8th Floor Honolulu, HI 96813
U.S. MAIL	HRT REALTY, LLC c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813
U.S. MAIL	300 CORPORATION c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813

U.S. MAIL	HONOLULU LIMITED c/o LAW OFFICES OF REUBEN WONG ATTN: MR. DELWYN H.W. WONG 1164 Bishop Street, Suite 1006 Honolulu, HI 96813
U.S. MAIL	RKES, LLC ATTN: PATRICK K. KOBAYASHI 1288 Ala Moana Boulevard, Suite 201 Honolulu, HI 96814



STEVEN S.C. LIM
JENNIFER A. LIM
PUANANIONAONA P. THOENE

Attorneys for Successor Petitioner to Parcel 52
HO'OHANA SOLAR 1, LLC

Dated: Honolulu, Hawai'i, November 18,
2014