

BEFORE THE LAND USE COMMISSION

LAND USE COMMISSION  
STATE OF HAWAII

OF THE STATE OF HAWAII

2014 NOV 10 P 2:15

In the Matter of the Petition of	)	DOCKET NO. A92-683
	)	
HALEKUA DEVELOPMENT CORPORATION,	)	CANPARTNERS IV ROYAL
a Hawai'i corporation	)	KUNIA PROPERTY LLC
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban	)	
Land Use District for Approximately	)	
503.886 Acres of land 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	)	
	)	

**CANPARTNERS IV ROYAL KUNIA PROPERTY LLC'S MEMORANDUM  
IN RESPONSE TO SUCCESSOR PETITIONER (TO PARCEL 52), HO'OHANA  
SOLAR 1, LLC'S: (1) MOTION FOR ORDER BIFURCATING THE AMENDED  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER  
FILED ON OCTOBER 1, 1996 IN DOCKET NO. A92-683, FILED OCTOBER 22, 2014;  
AND (2) MOTION FOR ORDER AMENDING THE AMENDED FINDINGS OF  
FACT, CONCLUSION OF LAW, AND DECISION AND ORDER FILED ON  
OCTOBER 1, 1996, FILED AUGUST 11, 2014**

**AND  
CERTIFICATE OF SERVICE**

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Attorneys for CANPARTNERS IV  
 ROYAL KUNIA PROPERTY LLC

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Comes now, CANPARTNERS IV ROYAL KUNIA, LLC ("CANPARTNERS"), by and through its attorneys, MATSUBARA - KOTAKE, and hereby submits its Memorandum in Response to Successor Petitioner (To Parcel 52) HO`OHANA SOLAR 1, LLC's ("Ho`ohana"): (1) Motion for Order Bifurcating the Amended Findings of Fact, Conclusions of Law, and Decision and Order filed October 1, 1996 in Docket No. A92-683, filed October 22, 2014 ("Motion to Bifurcate"); and (2) Motion for Order Amending

the Amended Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996, filed August 11, 2014 (“Motion to Amend”).

CANPARTNERS supports the Motion to Bifurcate. Issues relating to conditions applicable to the proposed solar farm or Parcel 52 are not relevant to the Motion to Bifurcate. Bifurcation simply enables separate land owners to proceed with independent decision and orders so that obligations and responsibilities can be focused on the appropriate lands and land owners. Identical conditions can be applied where obligations and responsibilities are identical, but also separate conditions can be utilized where situations unique to a particular land parcel are appropriate.

The Land Use Commission, State of Hawai`i (“LUC”) has utilized bifurcation of a LUC docket to allow separate land owners to proceed independently with development projects.

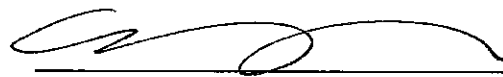
In LUC Docket No. A99-728 Housing and Community Development Corporation of Hawai`i, the LUC reclassified approximately 1,300 acres from the State Agricultural District to the State Urban District for a master planned community referred to as the East Kapolei Master Plan Development Project. Subsequently, portions of the 1,300 acres were conveyed and planned for uses different from the East Kapolei Project, including the University of Hawaii – West Oahu Campus, The Salvation Army’s Kroc Center and DHHL’s Ka Makana Ali`i regional shopping center.

Based on Motions to Amend LUC Docket No. A99-728, the LUC bifurcated A99-728 and created three sub-dockets in A99-728(a) University of Hawai'i West Oahu, A99-728(b) The Salvation Army (Kroc Center), and A99-728(c) State Department of Hawaiian Home Lands ("DHHL"). These sub-dockets allowed the new projects to proceed where the separate land owners required separation from the larger petition area of A99-728.

Consistent with CANPRTNERS' position with the Motion to Bifurcate, CANPARTNERS does not oppose the Motion to Amend so long as the Motion to Bifurcate is granted by the LUC. Bifurcation will allow the independent solar farm project to proceed without burdening CANPARTNERS with any new conditions or requirements that are specific to the solar farm. Without bifurcation, CANPARTNERS will be improperly impacted.

DATED: Honolulu, Hawai'i, November 10, 2014.

Of Counsel:  
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\_\_\_\_\_  
BENJAMIN M. MATSUBARA  
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WYETH M. MATSUBARA  
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KUNIA PROPERTY LLC

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was duly served upon the following parties listed below **AS INDICATED BELOW** on November 10, 2014:

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REQUESTED)**

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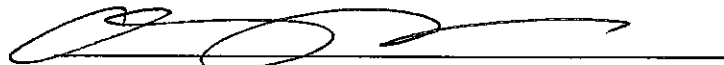
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RETURN RECEIPT  
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DATED: Honolulu, Hawai'i, November 10, 2014.

Of Counsel:  
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