



LAND USE COMMISSION
STATE OF HAWAII

2021 NOV - 1 A 10:50

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A92-683
)	
HALEKUA DEVELOPMENT)	AMENDED ORDER GRANTING
CORPORATION, a Hawai'i corporation)	SUCCESSOR PETITIONER (AS TO
)	PARCEL 52), HO'OHANA SOLAR 1, LLC'S
To Amend the Agricultural Land Use District)	MOTION FOR MODIFICATION AND TIME
Boundary into the Urban Land Use District)	EXTENSION; AND CERTIFICATE OF
for Approximately 503.886 Acres at Waikele)	SERVICE
and Hō'ae'ae, 'Ewa, O'ahu, City and County)	
of Honolulu, State of Hawai'i, Tax Map Key)	
<u>No. 9-4-02: 01, portion of 52, 70 and 71</u>)	

AMENDED ORDER GRANTING SUCCESSOR PETITIONER (AS TO PARCEL 52)
HO'OHANA SOLAR 1, LLC'S
MOTION FOR MODIFICATION AND TIME EXTENSION

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai'i.

November 1, 2021 by

Executive Officer



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Boundary into the Urban Land Use District)	EXTENSION; AND CERTIFICATE OF
for Approximately 503.886 Acres at Waikele)	SERVICE
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of Honolulu, State of Hawai'i, Tax Map Key)	
No. 9-4-02: 01, portion of 52, 70 and 71)	

AMENDED ORDER GRANTING SUCCESSOR PETITIONER (AS TO PARCEL 52)
HO'OHANA SOLAR 1, LLC'S
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No. 9-4-02: 01, portion of 52, 70 and 71)	

AMENDED ORDER GRANTING SUCCESSOR PETITIONER (AS TO PARCEL 52)
HO'OHANA SOLAR 1, LLC'S
MOTION FOR MODIFICATION AND TIME EXTENSION

On August 17, 2020 Ho'ohana Solar 1, LLC (hereinafter "Ho'ohana" or "Movant"), as Successor Petitioner to a portion of the original 503.886-acre Petition Area identified as Tax Map Key ("TMK") No. 9-4-002: 052 ("Parcel 52") filed with the Land Use Commission of the State of Hawai'i ("Commission") a *Motion for Modification and Time Extension* in Docket No. A92-683 (hereinafter the "Motion"), requesting the Commission to: (1) allow modification to the solar farm previously authorized; and, (2) extend the timeframe for development of the modified solar farm.

The Commission, having examined the testimony, evidence, and arguments of counsel presented during the hearings, along with public testimony and the pleadings filed by all parties

herein, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

A. PROCEDURAL MATTERS

1. On August 17, 2020, Ho‘ohana filed its Motion for Modification and Time Extension; Memorandum in Support of Motion; Verification; Affidavit of Derek B. Simon; Exhibits 1-14; and Certificate of Service, requesting the Commission to: (1) allow modification to the solar farm previously authorized; and, (2) extend the timeframe for development of the modified solar farm.
2. Robinson Kunia Land LLC ("RKL"), the fee owner of Parcel 52, acknowledged and consented to Ho‘ohana filing the Motion.
3. On August 24, 2020, the City and County of Honolulu by its Department of Planning and Permitting ("County" or "DPP"), and the State of Hawai‘i by its Office of Planning and Sustainable Development ("OP"), filed for extensions of time to respond.
4. On August 25, 2020, Petitioner Haseko Royal Kunia, LLC ("Haseko"), successor landowner (as to parcels 070 and 071) filed a Motion in Opposition¹ to Ho‘ohana’s Motion ("Haseko’s Opposition Memo"); Memorandum in Support of Motion; Joinder of HRT Realty, LLC and Jupiter Investors II, LLC.
5. On August 26, 2020, the Commission mailed approval for requests to extend the comment period to OP, the County, and other parties in the original Petition.

¹ Pursuant to HAR 15-15-70(e) allows counter affidavits and memorandums in opposition to a motion to be filed. In addition, Haseko’s filings, including the HRT/Jupiter Investors joinder, were not properly or timely filed to Movant. Haseko’s filing was treated as a memorandum in opposition rather than a separate motion.

6. On September 18, 2020, OP filed its Response to Ho‘ohana’s Motion (“OP Response”); and, Exhibits 1-5.

7. On September 18, 2020, DPP filed its Position Statement on Ho‘ohana’s Motion ("County Position").

8. On September 22, 2020, Haseko filed a letter addressed to the Commission’s Chief Clerk regarding an amended certificate of service.

9. On September 25, 2020, the Movant filed the following:

- a. Reply to Haseko’s Motion in Opposition to Ho‘ohana’s Motion (“Reply to Haseko”);
- b. Reply to OP’s Response (“Reply to OP”);
- c. Reply to County Position Statement (Reply to County”);
- d. Ho‘ohana’s First List of Witnesses; and,
- e. Ho‘ohana’s First List of Exhibits, Declaration of Derek Simon, and Exhibits 15-53.

10. On September 29, 2020, the Commission mailed notice of its scheduled October 7-8, 2020 Zoom webinar meeting and agenda to the Statewide, O‘ahu and Maui mailing and email lists.

11. On September 30, 2020, Haseko filed a Notice of Appearance of Co-Counsel for Haseko - Steven Chung.

12. Between October 1- 8, 2020, the Commission received written testimony from the following: Kimo Spector and Rebecca Dayhuff Matsushima (Hawaiian Electric); Tyler Dos Santos-Tam and Melvin Silva (Bricklayers Union); Jill Baptist (Carpenters Union); Nathaniel Kinney (Hawai‘i Construction Alliance); Ryan Kobayashi (Hawai‘i. Laborers & Employee Cooperation and Education Trust Fund); Joy Kimura; Dean Okimoto; Richard Ha, Scott Fujii, Michelle Kidani (State Senator); Denise Yamaguchi (HI Agricultural Foundation); Chris

Delaunay (Pacific Resources Partnership); Dan Kouchi (Chamber of Commerce Hawai‘i); Samantha Ruiz (Ulupono Initiative); Ty Cullen (State Representative, District 39); Nicole Lowen (State Representative, District 6); Keith Hayashi (Waipahu High School); Glen Wakai (State Senator); and, Albi Mateo and Wayne Nakamoto (Royal Kunia Community Association); and, Leslie Wilkins (Maui Economic Development Board).

13. On October 1, 2020, Haseko filed a Declaration of Sharene S. Tam; and Exhibits 1-4.

14. On October 5, 2020, Haseko filed Declaration of Michael H. Lau; and Exhibit 5

15. On October 7, 2020, OP filed OP Revised Exhibit 1 and Exhibit 6.

16. On October 7 and 8, 2020, the Commission met in Honolulu, Hawai‘i using the Zoom webinar platform, to consider Ho‘ohana’s Motion for Modification and Time Extension. Jennifer Lim, Esq., Derek Simon, Esq. and John Manaut, Esq. appeared on behalf of Ho‘ohana; Michael Lau, Esq. and Steven Chuang, Esq. appeared on behalf of Haseko and HRT; Mollie Stebbins, Esq. appeared on behalf of the County; and Dawn Apuna, Esq. appeared on behalf of OP.

17. Commissioner Scheuer disclosed that his wife is employed by Group 70 International, which is the firm that employs Jeffrey Overton, one of Ho‘ohana's expert witnesses. Commissioner Scheuer stated that his wife had no involvement in the matter before the Commission. Ho‘ohana, Haseko, DPP, and OP acknowledged this disclosure and each stated that they had no objections to Commissioner Scheuer's participation in the matter under consideration.

18. Commissioner Aczon disclosed that during the course of his work with the Hawai‘i Carpenters Training Program he interacts with many of those representing unions that

provided public testimony. Ho‘ohana, Haseko, DPP, and OP acknowledged this disclosure and each stated that they had no objections to Commissioner Aczon's participation in the matter under consideration.

19. Chair Scheuer recognized the submitted written testimony of: Joy Kimura Government Affairs and Compliance- Hawai‘i Laborers & Employee Cooperation and Education Trust Fund, Dean Okimoto, Richard Ha, Scot Fuji/ State Senator Michelle Kidani, Denise Yamaguchi- Executive Director, Hawai‘i Agricultural Foundation, Chris Delaunay- Pacific Resource Partnership (PRP), Dan Kouchi- Chamber of Commerce Hawai‘i, Samantha Ruiz – Ulupono Initiative- Murray Clay, State Representative Ty Cullen – District 39 , State Representative Nicole Lowen – District 6, Keith Hayashi- Waipahu High School Principal, State Senator Glenn Wakai, Albi Mateo/Wayne Nakamoto – Royal Kunia Community Association, Maui Economic Development Board- Leslie Wilkins President & CEO, Kimo Spector and Rebecca Dayhuff Matsushima for Hawaiian Electric, Tyler Dos Santos-Tam and Melvin Silva for the International Union of Bricklayers and Allied Craftworkers Local #1, Jill Baptist of the Hawai‘i Carpenters Union, Nathaniel Kinney of Hawai‘i Construction Alliance, Ryan Kobayashi for Government Affairs for Hawai‘i Laborers’ Union Local 368.

20. The Commission provided an opportunity for public testimony and received public testimony from David Tanoue and Chris Delaunay.

21. Ho‘ohana provided the oral testimonies of the following witnesses: Jeffrey H. Overton and Laurence Greene.

22. Haseko provided the oral testimony of Sharene Tam.

23. DPP provided the oral testimony of Eugene Takahashi, Deputy Director for DPP.