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Attorney for Petitioner
RCFC KALOKO HEIGHTS, LLC,
KALOKO HEIGHTS B1A HOLDINGS, LLC, and
KALOKO HEIGHTS INVESTORS, LLC

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of
Y-O LIMITED PARTNERSHIP

To Amend the Agricultural Land Use District
Boundary to the Urban Land Use District for
Approximately 408.719 Acres of Land at
Kaloko and Kohanaiki, North Kona, Hawaii,
Hawaii TMK Nos.: (3) 7-3-09:19, 20 and 57 to
62.

DOCKET NO. A81-525

**PETITIONER'S FIFTH
SUPPLEMENTAL MEMORANDUM IN
SUPPORT OF MOTION FOR
EXTENSION OF TIME TO APPLY FOR
REDISTRICTING OF PHASE II;
EXHIBIT LIST; EXHIBIT 45;
CERTIFICATE OF SERVICE**

**PETITIONER'S FIFTH SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
MOTION FOR EXTENSION OF TIME TO APPLY FOR
REDISTRICTING OF PHASE II**

RCFC KALOKO HEIGHTS, LLC, a Delaware limited liability company, KALOKO
HEIGHTS B1A HOLDINGS, LLC, a Delaware limited liability company, and KALOKO
HEIGHTS INVESTORS, LLC, a Delaware limited liability company, Successor Petitioner
("Petitioner") to Y-O Limited Partnership ("Y-O") in the above-captioned docket, by and
through its attorneys Dentons US LLP, submits this Fourth Supplemental Memorandum in

Support of Motion for Extension of Time to Apply for Redistricting of Phase II, to present the PowerPoint presentation Petitioner intends to present at the hearing on the Motion.

On November 22, 2022, Petitioner filed a Motion for Extension of Time to Apply for Redistricting of Phase II with the State of Hawaii Land Use Commission (“**Commission**”) to extend the time for Petitioner to request redistricting of approximately 195.246 acres, immediately across Hina Lani Street now identified as Hawaii TMK (3) 7-3-09:19, comprising Phase II of the Kaloko Heights Project (the “**Project**”). On January 4, 2023, Petitioner filed a Supplemental Memorandum in Support of Motion for Extension of Time to Apply for Redistricting of Phase II, to present additional information and documents to describe Petitioner’s development progress and schedule for future development. On January 6, 2023, Petitioner filed a Second Supplemental Memorandum in Support of Motion for Extension of Time to Apply for Redistricting of Phase II, to present additional information and documents to describe Petitioner’s development progress and schedule for future development. On January 31, 2023, Petitioner filed a Third Supplemental Memorandum in Support of Motion for Extension of Time to Apply for Redistricting of Phase II, to present copies of archeological studies and plans Petitioner’s predecessors prepared and submitted to the State of Hawaii Department of Land and Natural Resources, Historic Preservation Division (“**SHPD**”) that were requested by the Office of Planning and Sustainable Development. On April 10, 2023, Petitioner filed a Fourth Supplemental Memorandum in Support of Motion for Extension of Time to Apply for Redistricting of Phase II, to present copies of Petitioner’s PowerPoint presentation to the Commission at the hearing on April 12, 2023.

Petitioner now submits this Fifth Supplemental Memorandum in Support of Motion for Extension of Time to Apply for Redistricting of Phase II, to present the attached Exhibit 45, a

print out of the revised PowerPoint presentation Petitioner's witnesses will present at the hearing on the motion. Exhibit 45 revises and supersedes Exhibit 44 in its entirety.

DATED: Honolulu, Hawaii, April 10, 2023.

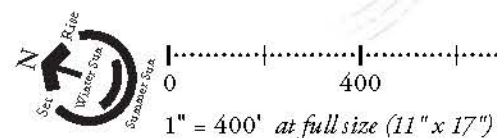
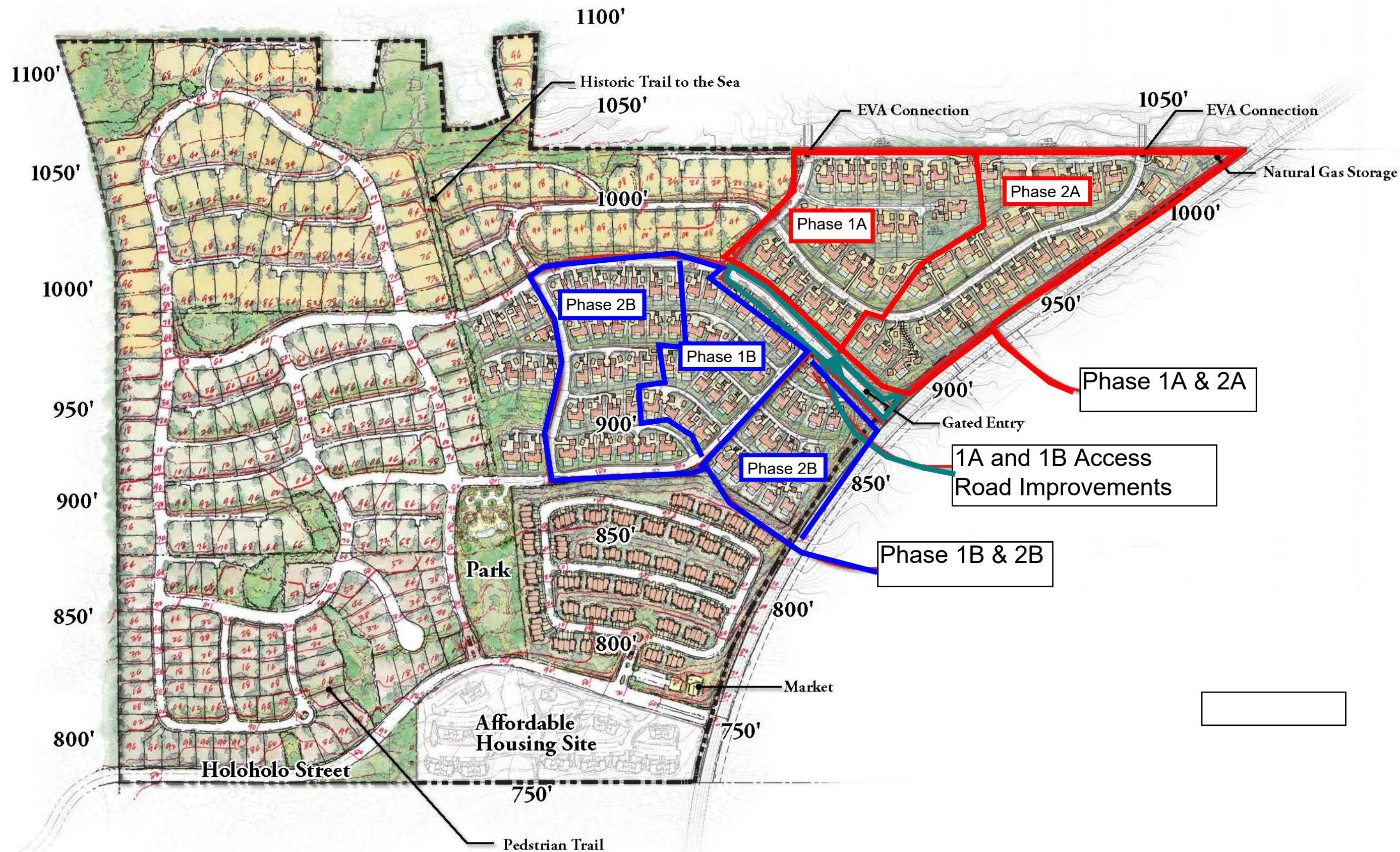


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INVESTORS, LLC

EXHIBIT LIST

Ex. No.	Description
1	Map of Hina Lani Street
2	Agreement dated July 8, 1986 between Water Commission of the County of Hawaii and Y-O Limited Partnership
3	Agreement dated June 14, 1989 between Water Commission of the County of Hawaii and Y-O Limited Partnership
4	Letter dated September 10, 1991 from the Department of Water Supply of the County of Hawaii
5	1999 Conditions for Time Extension of Kona Source Agreement II.
6	Letter dated June 27, 2013 from the Department of Water Supply of the County of Hawaii
7	Letter dated June 30, 2014 from the Department of Water Supply of the County of Hawaii
8	Letter dated March 23, 2017 from the Department of Water Supply of the County of Hawaii
9	Letter dated August 8, 2017 and bill of sale dedicating water tank, transmission lines and easements to the Department of Water Supply of the County of Hawaii
10	Limited Warranty Deed dated April 3, 2017
11	Agreement dated April 19, 2017 between HICDC and the County of Hawaii
12	Assignment of Water Units dated August 15, 2017
13	Affidavit re Subdivision Approval dated November 14, 2019
14	Affordable Housing Agreement (Credits) dated May 14, 2020
15	Kaloko Heights site plan approved by the County of Hawaii on May 8, 1984.
16	Letter dated July 19, 2017, to County of Hawai'i transmitting revised master plan
17	Kealakaa-Holoholo Street Extension Final Report dated February 13, 2013
18	Phase I Topographic Survey
19	Phase I Revised Site Plan Submission
20	Letter dated September 8, 2017 from the County of Hawaii Planning Department
21	Current Kaloko Heights Phase I Site Plan (2019)
22	Submittal of subdivision application for proposed Lot 4 49 lot subdivision
23	Submittal of subdivision application for proposed Lot 7 49 lot subdivision
24	Tentative Approval of the Lot 7 subdivision (SUB-17-001748)
25	Tentative Approval of the Lot 4 subdivision (SUB-17-001779)
26	Final Construction Plan approval for subdivision improvements for a 22 lot increment of SUB-17-001748
27	Final Construction Plan approval for subdivision improvements for a 24 lot increment of SUB-17-001779
28	Hawaii Council Resolution 86-19 dated March 28, 2019
29	Hawaii Council Resolution 158-21 dated July 7, 2021
30	Hawaii County Ordinance 21-67 dated September 8, 2021
31	Hawaii County Ordinance 22-33 dated April 7, 2022
32	Hawaii Council Resolution 618-22 dated November 16, 2022

Ex. No.	Description
33	Letter dated October 2005 from State of Hawaii Department of Land and Natural Resources, Historic Preservation Division (“SHPD”)
34	Letter dated June 15, 2006 from SHPD approving the Revised Data Recovery Plan for Kaloko Heights
35	Letter dated June 15, 2006 from SHPD approving the Revised Final Preservation Plan for Kaloko Heights
36	Letter dated November 6, 2006 from SHPD approving the Revised Final Preservation Plan for burial sites at Kaloko Heights
37	Letter dated April 9, 2018 to SHPD confirming that interim construction buffer fencing has been installed at Kaloko Heights
38	Letter dated October 4, 2018 from SHPD determining that no historic properties would be affected by the proposed grading of approximately 57 acres in Kaloko Heights Phase I
39	Revised Archeological Survey of the North Portion of the Kaloko Heights Project
40	Revised Data Recovery Plan for Kaloko Heights
41	Date Recovery Report for Kaloko Heights
42	Preservation Plan for Kaloko Heights
43	Burial Treatment Plan for Kaloko Heights
44	Petitioner’s PowerPoint Presentation
45	Petitioner’s Revised PowerPoint Presentation



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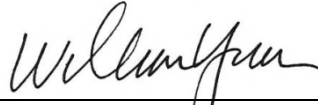
CERTIFICATE OF SERVICE

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I hereby certify that a copy of the foregoing document was duly mailed via U.S. Mail, postage prepaid, or by hand delivery, or by electronic mail to the following:

Lorene Maki, Planner Office of Planning State of Hawaii, Office of Planning 235 South Beretania Street, 6th Floor Honolulu, HI 96813 Email: lorene.k.maki@hawaii.gov	Zendo Kern, Director Planning Department County of Hawaii 101 Pauahi Street, Suite 3 Hilo, HI 96720 Email: planning@hawaiicounty.gov
Alison S. Kato, Esq. Dept. of the Attorney General CED 425 Queen Street Honolulu, HI 96813 Email: alison.s.kato@hawaii.gov	Elizabeth A. Strance Corporation Counsel Office of the Corporation Counsel County of Hawaii 101 Aupuni Street, Unit 325 Hilo, HI 96720 Email: corpcounsel@hawaiicounty.gov
Keith Kato, Executive Director Hawaii Island Community Development Corporation 100 Pauahi Street Suite 204 Hilo, HI 96720 Email: Keith.hicdc@gmail.com	Nakamoto, Okamoto & Yamamoto 187 Kapiolani Street Hilo, HI 96720 Attn: Alan Okamoto Email: alan@noyhawaii.com

Dated: Honolulu, Hawaii, April 10, 2023.



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