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D.R. HORTON - SCHULER HOMES, LLC,
a Delaware limited liability company,
d.b.a. D.R. HORTON-SCHULER DIVISION

LAND USE COMMISSION
STATE OF HAWAII

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BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of

D.R. HORTON - SCHULER HOMES, LLC,
a Delaware limited liability
company, d.b.a. D.R. HORTON-
SCHULER DIVISION

To Amend the Agricultural Land
Use District Boundaries into the
Urban Land Use District for
Approximately 1,553.844 Acres in
Ewa District, Island of Oahu, Tax
Map Key Nos. (1) 9-1-017:004
(por.), 059 and 072; (1) 9-1-
018:001 and .004

DOCKET NO. A06-771

AMENDED PETITION FOR LAND
USE DISTRICT BOUNDARY
AMENDMENT; VERIFICATION;
EXHIBITS "1A", "2C", "3A",
"5A", "12A", "13A", "14A",
AND "15A"; CERTIFICATE OF
SERVICE

AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

VERIFICATION

EXHIBITS "1A", "2C", "3A", "5A", "12A", "13A", "14A", AND "15A"

CERTIFICATE OF SERVICE

TABLE OF CONTENTS

AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

VERIFICATION

EXHIBIT "1A"	Project Location Map
*EXHIBIT "2b"	TMK Map showing entire petition area Mauka of Farrington Highway and relevant TMK Nos.
EXHIBIT "2C"	TMK Map showing entire petition area Makai of Farrington Highway and relevant TMK Nos.
EXHIBIT "3A"	Parcels Map showing entire petition area
*EXHIBIT "4"	Survey Map Showing Proposed East Kapolei Urban District Boundary Amendment for Lot A and Lot B
EXHIBIT "5A"	Survey Map Showing Proposed East Kapolei Urban District Boundary Amendment for Lot C
*EXHIBIT "6"	Metes and bounds description of Lot A consisting of TMK No. 9-1-18:004
*EXHIBIT "7"	Metes and bounds description of Lot B consisting of TMK No. 9-1-18:001
*EXHIBIT "8"	Metes and bounds description of Lot C consisting of TMK No. 9-1-17:004 (por.), 059 and 072
*EXHIBIT "9"	Environmental Impact Statement Preparation Notice
*EXHIBIT "10"	True copy of the Trustees' Limited Warranty Deed with Covenants and Reservation of Rights
*EXHIBIT "11"	Declaration of Reserved Rights
EXHIBIT "12A"	Map of State Land Use Districts
EXHIBIT "13A"	Map of City and County of Honolulu Zoning Districts

* Please see Petition for Land Use District Boundary Amendment and Exhibits "1" to "19" filed with the Commission on January 24, 2007.

- EXHIBIT "14A" Portion of the Ewa Development Plan Urban Land Use Map
- EXHIBIT "15A" Ho'opili Master Plan
- *EXHIBIT "16" Financial Statements
- *EXHIBIT "17" Notification of Petition Filing
- *EXHIBIT "18" Affidavit of Naomi U. Kuwaye Attesting to Sending of the Notification of Petition Filing
- *EXHIBIT "19" Affidavit of Naomi U. Kuwaye Attesting to the Service of Petition for Land Use District Boundary Amendment

CERTIFICATE OF SERVICE

* Please see Petition for Land Use District Boundary Amendment and Exhibits "1" to "19" filed with the Commission on January 24, 2007.

BEFORE THE LAND USE COMMISSION

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D.R. HORTON - SCHULER HOMES, LLC,
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AMENDED PETITION FOR LAND
USE DISTRICT BOUNDARY
AMENDMENT

AMENDED PETITION FOR LAND USE DISTRICT BOUNDARY AMENDMENT

COMES NOW, D.R. HORTON - SCHULER HOMES, LLC, a Delaware limited liability company, d.b.a. D.R. HORTON-SCHULER DIVISION, whose principal place of business is 828 Fort Street Mall, 4th Floor, Honolulu, Hawaii 96813 ("Petitioner"), and hereby submits the following amendment to the Petition for Land Use District Boundary Amendment which was filed with the State Land Use Commission ("Commission") on January 24, 2007 (hereinafter, the "Petition").

Petitioner respectfully submits this amendment to the Petition pursuant to Hawaii Administrative Rules ("HAR") § 15-15-43, which states in relevant part that:

. . . All pleadings may be amended at any time until forty-five days prior to the

hearing date set pursuant to section 15-15-51. Amendments offered prior to the hearing date shall be served on all parties and filed with the commission. All parties shall have the opportunity to provide any further response to address the amended pleading up to thirty days prior to the hearing date set pursuant to section 15-15-51.

I. INTRODUCTION

On January 24, 2007, Petitioner filed the Petition to reclassify 1,553.844 acres of land from the Agricultural District to the Urban District in Commission Docket Number A06-771. On February 22, 2007, then executive officer Mr. Anthony J. H. Ching wrote to Benjamin A. Kudo, Esq., acknowledging receipt of the Petition and providing comments. Mr. Ching indicated that deeming the Petition properly filed pursuant to HAR § 15-15-50(f) was contingent on addressing his comments.

Mr. Ching's comments are primarily addressed by the additional information provided in the Ho'opili, O'ahu, Final Environmental Impact Statement, July 2008, which was accepted by the Commission on August 7, 2008 ("Final EIS"). A letter addressing Mr. Ching's comments will be submitted concurrently with this filing to the current executive officer, Mr. Orlando Davidson, for his consideration.

The purpose of this filing is to amend and replace Petition Exhibits "1", "2a", "3", "5", "12", "13", "14", and "15" to address comments made by Mr. Ching in his letter.

II. AMENDMENTS

Petitioner is amending the Petition by replacing Exhibits "1", "2a", "3", "5", "12", "13", "14", and "15", with Exhibits "1A", "2C", "3A", "5A", "12A", "13A", "14A", and "15A", respectively.

A. Revised Petition Sections

The supplemental information in the above revised "TABLE OF CONTENTS" shall amend and replace the original "TABLE OF CONTENTS."

B. Revised Exhibits

Any and all references to Exhibits "1", "2a", "3", "5", "12", "13", "14", and "15" shall be amended and replaced with Exhibits "1A", "2C", "3A", "5A", "12A", "13A", "14A", and "15A", respectively, attached hereto.

Mr. Ching observed in his letter that a triangular parcel, described as TMK No. 9-1-017: por. 004 is not included in the Petition Area. He is correct; however, that parcel is included in the Project Site Boundary for purposes of the Final EIS. The current exhibits are accurate in that regard; however, because of the size of the triangular parcel it may not be readily apparent. In addition, Mr. Ching commented that the Petition Area/Project Site Boundary overlay did not accurately show the location of the small triangular parcel. Based on Mr. Ching's comments, Exhibits "1", "2a", "3", "12", "13", "14", and "15"

have been corrected to more accurately represent the triangular parcel and more clearly show that it is not part of the Petition Area but is part of the Project Site Boundary. Accordingly, the following revised exhibits will amend and replace the aforementioned exhibits: Exhibits "1A", "2C", "3A", "12A", "13A", "14A", and "15A" , respectively.

In addition to the triangular parcel, Mr. Ching commented on a square parcel located on the south side of the Farrington Highway. That square parcel is not part of the Petition Area or the Project Site Boundary and the Petitioner does not own it. Again, the parcel is small and its status in relation to the Petition Area may not have been readily apparent in the current exhibits. As such, Exhibits 1, 3, 12, and 15 have been revised. The following exhibits will amend and replace the aforementioned exhibits: Exhibits "1A", "3A", "12A", and "15A" , respectively. In addition, since the square parcel is not part of the Petition Area or the Project Site Boundary, Exhibit "5" is amended and replaced with corrected Exhibit "5A", which deletes reference to the land use designation of the square parcel.

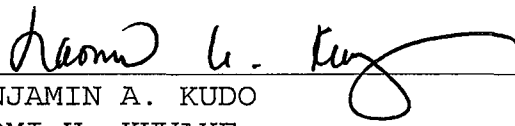
All other exhibits not otherwise mentioned are current and not affected by the supplemental information.

III. CONCLUSION

Based upon the foregoing, Petitioner respectfully submits the foregoing amendments pursuant to HAR § 15-15-43 for the Commission's review and appropriate action.

DATED: Honolulu, Hawaii, September 19, 2008.

Of Counsel:
IMANAKA KUDO & FUJIMOTO
A Limited Liability Law Company

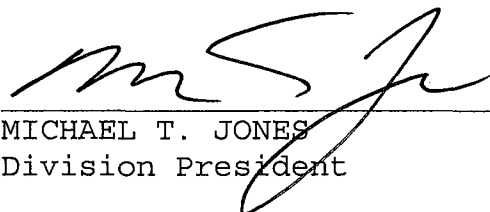

BENJAMIN A. KUDO
NAOMI U. KUWAYE
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Attorneys for Petitioner
D.R. HORTON - SCHULER HOMES, LLC,
a Delaware limited liability
company, d.b.a.
D.R. HORTON-SCHULER DIVISION

VERIFICATION

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

I, Michael T. Jones, being duly sworn on oath depose and say that I am the Division President of D.R. HORTON - SCHULER HOMES, LLC, a Delaware limited liability company, d.b.a. D.R. HORTON-SCHULER DIVISION, and as such am authorized to make this verification on behalf of the Company, that I have read the foregoing Amended Petition and have full knowledge of the contents thereof, and that the same are true to the best of my knowledge, information and belief.

D.R. HORTON - SCHULER HOMES, LLC,
a Delaware limited liability
company, d.b.a. D.R. HORTON-
SCHULER DIVISION

By 
MICHAEL T. JONES
Division President

Subscribed and sworn to
before me on this _____
day of _____, 2008.

**Please see attached

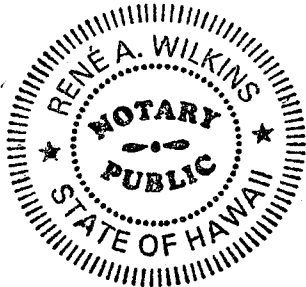
Notary Public, State of Hawaii

Printed Name
My commission expires: _____

[Notary Certificate on next page]

STATE OF HAWAII)
) SS
CITY AND COUNTY OF HONOLULU)

On September 18, 2008, before me personally appeared Michael T. Jones, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Rene A. Wilkins

Print name: Rene A. Wilkins

Notary Public, State of **Hawai'i**

My commission expires: MAR 30 2011

Date of Doc: <u>undated at time of notarization</u>	# Pages: <u>2</u>
Name of Notary: <u>Rene A. Wilkins</u>	Notes: _____
Doc. Description: <u>Verification</u>	
<u>Rene A. Wilkins</u>	<u>9/18/08</u>
Notary Signature	Date
First Circuit, State of Hawai'i	
NOTARY CERTIFICATION	
Commission No. 03-173	

