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**HAWAII HOUSING FINANCE  
AND DEVELOPMENT CORPORATION**

LAND USE COMMISSION  
STATE OF HAWAII  
2010 AUG 30 P 2:25

**BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII**

In the Matter of the Petition of

**HAWAII HOUSING FINANCE AND  
DEVELOPMENT CORPORATION and  
FOREST CITY HAWAII KONA, LLC**

To Amend the Agricultural Land Use District  
Boundaries into the Urban Land Use District  
for certain lands situate at Keahuolu, North  
Kona; consisting of approximately 271.837  
acres, Tax Map Key Nos. (3) 7-4-021:020  
(por.), (3) 7-4-021:024, (3) 7-4-021:025,  
(3) 7-4-021:026, (3) 7-4-021:027

DOCKET NO. A10-788

AFFIDAVIT OF JENNIFER A. BENCK  
ATTESTING TO SERVICE OF  
PETITIONER'S NOTICE OF HEARING;  
EXHIBITS A-D; AFFIDAVIT OF  
JENNIFER A. BENCK ATTESTING TO  
PUBLICATION; CERTIFICATE OF  
SERVICE

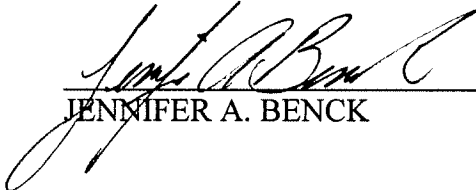
**AFFIDAVIT OF JENNIFER A. BENCK ATTESTING TO SERVICE OF  
PETITIONER'S NOTICE OF HEARING**

JENNIFER A. BENCK, being first duly sworn, on oath, deposes and says:

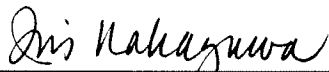
1. Affiant is one of the attorneys for Petitioner Forest City Hawaii Kona, LLC ("**Petitioner**"), is licensed to practice law in the State of Hawaii, is duly authorized to make this affidavit, and does so upon personal knowledge and belief.
  
2. Forest City Hawaii Kona, LLC is one of the Petitioners for a State of Hawaii Land Use District Boundary Amendment, for certain lands situate at Keahuolu, North Kona, consisting of approximately 271.837 acres located within Tax Map Key Nos. (3) 7-4-021:020 (por.), (3) 7-4-021:024, (3) 7-4-021:025, (3) 7-4-021:026, (3) 7-4-021:027.
  
3. On August 30, 2010, in compliance with Hawaii Administrative Rules ("**HAR**") §15-15-51(b), Affiant did deposit in the United States mail, postage prepaid, or by hand delivery to addressee, a copy of the Notice of Hearing, a copy of which is attached hereto as **Exhibit A** and made a part hereof, addressed to each of the persons identified on **Exhibit B**, attached hereto and made a part hereof.
  
4. On August 30, 2010, in compliance with HAR §15-15-51(b), Affiant did deposit in the United States mail, postage prepaid, a copy of said Notice of Hearing addressed to each of the persons on the Land Use Commission County of Hawaii Mailing List, a copy of which is attached hereto as **Exhibit C**, and the Land Use Commission Statewide Mailing List, a copy of which is attached hereto as **Exhibit D**, both received from the Land Use Commission on August 24, 2010.

Further Affiant sayeth naught.

DATED: Honolulu, Hawaii, August 30, 2010.

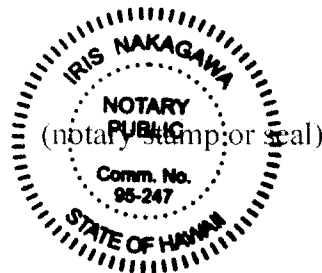
  
\_\_\_\_\_  
JENNIFER A. BENCK

The attached document: Affidavit of Mailing  
Petitioner's Notice of Hearing, dated  
August 30, 2010, which consists of  
seventeen (17) pages (including this page),  
was executed by Jennifer A. Benck who was  
subscribed and sworn to before me this 30th  
day of August, 2010 in the First Judicial  
Circuit of the State of Hawaii.

  
\_\_\_\_\_  
[Notary Signature]

Printed Name: Iris Nakagawa

My commission expires: 6-29-2011



**Exhibit A**

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Hawaii by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 and Section 201H-38, Hawaii Revised Statutes, as amended:

**DATE, TIME AND PLACE:**

October 6, 2010 - 10:00 a.m.  
October 7, 2010

Waikoloa Beach Marriott Resort & Spa  
69-275 Waikoloa Beach Drive  
Waikoloa, Hawaii 96738-5711

LAND USE COMMISSION  
STATE OF HAWAII  
2010 AUG 30 P 2:25

Docket Number: A10-788

Petitioner: Forest City Hawaii Kona, LLC

Petitioner: Hawaii Housing Finance and Development Corporation

Tax Map Key Nos.: (3) 7-4-021:020 (por.), (3) 7-4-021:024, (3) 7-4-021:025,  
(3) 7-4-021:026, (3) 7-4-021:027

Change Requested: To reclassify approximately 271.837 acres of land situate at Keahuolu, North Kona, Island and County of Hawaii, State of Hawaii to allow for the development of Kamakana Villages, a master planned, mixed-use affordable housing project to be developed pursuant to Hawaii Revised Statutes Chapter 201H.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Hawaii County Planning Department, 101 Pauahi Street, Suite 3, Hilo, Hawaii, 96720, and the Land Use Commission, Room 406, Leiopapa A Kamehameha Building, 235 S. Beretania Street, Honolulu, Hawaii, 96813, during office hours from 7:45 a.m. to 4:30 p.m., Monday through Friday (except with respect to the County of Hawaii's and the Land Use Commission's furlough days).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearing officer, if one is appointed, may deny an application to intervene when in the Commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding; and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial to the circuit court pursuant to Section 91-14, HRS.

Petitions to intervene shall be in conformity with Section 15-15-52 of the Hawaii Land Use Commission Rules. The petition for intervention with proof of service on all parties shall be filed with the Commission within fifteen (15) days after the publication of this Notice of Hearing.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of

authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission by September 23, 2010.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or association may represent the corporation, trust, or association.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION

VLADIMIR P. DEVENS, Chairperson

By ORLANDO DAVIDSON, Executive Officer

(Legal Ad - 2 columns)  
(to appear by August 30, 2010)  
(Honolulu Star Bulletin: August 30, 2010)  
(West Hawaii Today: August 30, 2010)

**Exhibit B**

- |       |  |       |   |
|-------|--|-------|---|
| DEL.  | ABBEY MAYER, Director<br>Office of Planning<br>State Office Tower, 6th Floor<br>235 South Beretania Street<br>Honolulu, HI 96813       | DEL.  | MARY ALICE EVANS<br>Office of Planning<br>State Office Tower, 6th Floor<br>235 South Beretania Street<br>Honolulu, HI 96813           |
| DEL.  | BRYAN YEE, Esq.<br>Deputy Attorney General<br>Hale Auhau, Third Floor<br>425 Queen Street<br>Honolulu, HI 96813                        | CERT. | BOBBY JEAN LEITHEAD-<br>TODD, Director<br>Planning Department<br>County of Hawaii<br>101 Pauahi Street, Suite 3<br>Hilo, HI 96720     |
| CERT. | PHYLLIS FUJIMOTO<br>Planning Department<br>County of Hawaii<br>101 Pauahi Street, Suite 3<br>Hilo, HI 96720                            | CERT. | LINCOLN ASHIDA, Esq.<br>Corporation Counsel<br>County of Hawaii<br>101 Aupuni Street, Suite 325<br>Hilo, HI 96720-4262                |
| CERT. | BRANDON A.K. GONZALEZ, Esq.<br>Deputy Corporation Counsel<br>County of Hawaii<br>101 Aupuni Street, Suite 325<br>Hilo, HI 96720-4262   | CERT. | PLANNING COMMISSION<br>c/o Planning Department<br>County of Hawaii<br>101 Pauahi Street, Suite 3<br>Hilo, HI 96720                    |
| DEL.  | LESTER G. L. WONG<br>Manager<br>FHT Kamakana, LLC<br>201 Merchant Street, 20th Floor<br>Honolulu, HI 96813                             | CERT. | KATHRYN S. MATAYOSHI<br>Interim Superintendent<br>Hawaii State Department of<br>Education<br>1390 Miller Street<br>Honolulu, HI 96813 |
| CERT. | STEVEN J. ARNETT<br>Housing Administrator<br>Office of Housing and Community<br>Development<br>50 Wailuku Drive<br>Hilo, HI 96720-2456 | DEL.  | HAWAIIAN TELCOM, INC.<br>1177 Bishop Street<br>Honolulu, HI 96813   |

CERT. LAURA THIELEN, Chairperson  
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## Exhibit C

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Puako Community Association  
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Capt. Cook HI 96704-0917

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**HAWAII MAILING LIST**  
**Updated: 03/18/2010**

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801 S. King Street  
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West Hawaii Today  
Attn: Reed Flickinger  
P. O. Box 789  
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Dickson C. H. Lee, Esq.  
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**BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII**

In the Matter of the Petition of

HAWAII HOUSING FINANCE AND  
DEVELOPMENT CORPORATION and  
FOREST CITY HAWAII KONA, LLC

To Amend the Agricultural Land Use District  
Boundaries into the Urban Land Use District  
for certain lands situate at Keahuolu, North  
Kona; consisting of approximately 271.837  
acres, Tax Map Key Nos. (3) 7-4-021:020  
(por.), (3) 7-4-021:024, (3) 7-4-021:025,  
(3) 7-4-021:026, (3) 7-4-021:027

DOCKET NO. A10-788

AFFIDAVIT OF JENNIFER A. BENCK  
ATTESTING TO PUBLICATION

2010 AUG 30 P 2:26

LAND USE COMMISSION  
STATE OF HAWAII

**AFFIDAVIT OF JENNIFER A. BENCK ATTESTING TO PUBLICATION**

JENNIFER A. BENCK, being first duly sworn, on oath, deposes and says:


1. Affiant is one of the attorneys for Petitioner Forest City Hawaii Kona, LLC ("Petitioner"), is licensed to practice law in the State of Hawaii, is duly authorized to make this affidavit, and does so upon personal knowledge and belief.

2. Forest City Hawaii Kona, LLC is one of the Petitioners for a State of Hawaii Land Use District Boundary Amendment, for certain lands situate at Keahuolu, North Kona, consisting of approximately 271.837 acres located within Tax Map Key Nos. (3) 7-4-021:020 (por.), (3) 7-4-021:024, (3) 7-4-021:025, (3) 7-4-021:026, (3) 7-4-021:027.

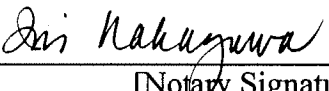
3. On August 30, 2010, the same day that the Notice of Hearing was served and mailed, Petitioner published the Notice of Hearing in the Honolulu Star-Advertiser, a newspaper of general circulation in the State of Hawaii, and in West Hawaii Today, a county newspaper, as required by HAR §15-15-51(c).

Further Affiant sayeth naught.

DATED: Honolulu, Hawaii, August 30, 2010.

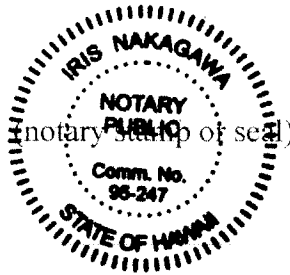
  
\_\_\_\_\_  
JENNIFER A. BENCK

The attached document: Affidavit of Mailing  
Petitioner's Notice of Hearing, dated  
August 30, 2010, which consists of  
two ( 2 ) pages (including this page),  
was executed by Jennifer A. Benck who was  
subscribed and sworn to before me this 30th  
day of August, 2010 in the First Judicial  
Circuit of the State of Hawaii.

  
\_\_\_\_\_  
[Notary Signature]

Printed Name: Iris Nakagawa

My commission expires: 6-29-2011



**BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII**

In the Matter of the Petition of

Docket No. A10-788

HAWAII HOUSING FINANCE AND  
DEVELOPMENT CORPORATION and  
FOREST CITY HAWAII KONA, LLC

CERTIFICATE OF SERVICE

To Amend the Agricultural Land Use District  
Boundaries into the Urban Land Use District  
for certain lands situate at Keahuolu, North  
Kona; consisting of approximately 271.837  
acres, Tax Map Key Nos. (3) 7-4-021:020  
(por.), (3) 7-4-021:024, (3) 7-4-021:025,  
(3) 7-4-021:026, (3) 7-4-021:027

**CERTIFICATE OF SERVICE**

I/we hereby certify that due service of a copy of the within document was made by  
depositing the same via Certified U. S. Mail, postage prepaid, return-receipt requested, or by  
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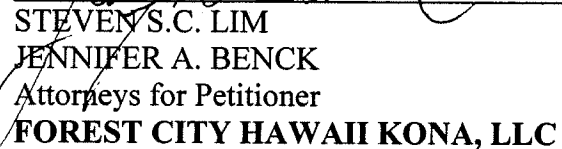
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