

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the matter of the Petition	)	DOCKET NO. A93-700
	)	
of	)	ORDER TO REVERT THE
	)	PETITION AREA FROM THE
OBAYASHI HAWAII CORPORATION,	)	STATE LAND USE URBAN
a Hawai'i corporation	)	DISTRICT TO THE STATE LAND
	)	USE AGRICULTURAL DISTRICT
To Amend the Agricultural Land Use	)	AND DELETE THE CONDITIONS
District Boundary into the Urban Land	)	OF APPROVAL IN FINDINGS OF
Use District for Approximately 57.3	)	FACT, CONCLUSIONS OF LAW,
Acres of land at Paumalu-Pupukea,	)	AND DECISION AN ORDER
Ko'olaupia, O'ahu, State of Hawai'i,	)	DATED OCTOBER 26, 1994
TMK No.: 5-9-006: 024 (por.)	)	

ORDER TO REVERT THE PETITION AREA FROM THE STATE LAND USE URBAN  
DISTRICT TO THE STATE LAND USE AGRICULTURAL DISTRICT AND DELETE  
THE CONDITIONS OF APPROVAL IN FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND DECISION AN ORDER  
DATED OCTOBER 26, 1994

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, Hawaii.

MAR 16 2007  
Date

by Anthony J. Scij  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition	)	DOCKET NO. A93-700
	)	
of	)	ORDER TO REVERT THE
	)	PETITION AREA FROM THE
OBAYASHI HAWAII CORPORATION,	)	STATE LAND USE URBAN
a Hawaii corporation	)	DISTRICT TO THE STATE LAND
	)	USE AGRICULTURAL DISTRICT
To Amend the Agricultural Land Use	)	AND DELETE THE CONDITIONS
District Boundary into the Urban Land	)	OF APPROVAL IN FINDINGS OF
Use District for Approximately 57.3	)	FACT, CONCLUSIONS OF LAW,
Acres of land at Paumalu-Pupukea,	)	AND DECISION AN ORDER
Ko'olauloa, O'ahu, State of Hawaii,	)	DATED OCTOBER 26, 1994
TMK No.: 5-9-006: 024 (por.)	)	

---

ORDER TO REVERT THE PETITION AREA FROM THE STATE LAND USE URBAN  
DISTRICT TO THE STATE LAND USE AGRICULTURAL DISTRICT AND DELETE  
THE CONDITIONS OF APPROVAL IN FINDINGS OF FACT, CONCLUSIONS OF  
LAW, AND DECISION AN ORDER  
DATED OCTOBER 26, 1994

On November 20, 2006, OBAYASHI HAWAII CORPORATION, a Hawaii corporation ("Petitioner") filed its Motion to Revert Urban Land Use District Classification Back to Original Agricultural Land Use Classification and Delete Conditions in the Findings of Fact, Conclusions of Law, and Decision and Order filed October 26, 1994 (the "Motion"), to accommodate the sale of approximately 57.3 acres of land at Paumalu-Pupukea, Ko'olauloa, O'ahu, State of Hawaii, identified as TMK No.: 5-9-006: 024 (por.) (the "Petition Area") to the Trust For Public Land ("TPL"), for the

subsequent conveyance of the Petition Area to the State of Hawai'i and the City and County of Honolulu for permanent open space and park uses.

On February 2, 2007, the Land Use Commission ("LUC") held its meeting in Honolulu, Hawai'i to consider the Motion. In attendance were Petitioner, Office of Planning, Department of Business, Economic Development and Tourism, State of Hawai'i ("OP"), and the City and County of Honolulu, Department of Planning and Permitting ("County").

Petitioner gave the LUC an orientation of the Petition Area and explained that the sale of the Petition to the TPL was dependant on the LUC's favorable consideration of the Motion.

The County and the OP both stated their support for the Motion.

On January 3, 2007, Intervenor Maui Loa filed its opposition to the Motion. Intervenor Maui Loa did not attend the LUC's February 2, 2007 meeting.

Intervenor Kamuela Price is deceased.

At its meeting on February 2, 2007, a motion that: 1) the land use classification of the Petition Area be reverted to the State Land Use Agricultural District; and that 2) the conditions of approval in the Findings of Fact, Conclusions of Law, and Decision and Order dated October 26, 1994 be deleted, was made and seconded. There being a vote tally of seven ayes and no nays, the motion carried, having received the affirmative

votes required by Section 15-15-13, Hawai'i Administrative Rules ("HAR").

ORDER

IT IS HEREBY ORDERED that the Petition Area, consisting of approximately 57.3 acres of land at Paumalu-Pupukea, Ko'olaupua, O'ahu, State of Hawai'i, identified as TMK No.: 5-9-006: 024 (por.) shall be and is hereby reclassified to the State Land Use Agricultural District, and the State land use district boundaries shall be amended accordingly.

IT IS HEREBY FURTHER ORDERED that the conditions of approval imposed in the LUC's Findings of Fact, Conclusions of Law, and Decision and Order dated October 26, 1994, are DELETED and ANNULLED.

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 23<sup>rd</sup> day of February, 2007. This ORDER and its ADOPTION shall take effect upon the date of this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 23<sup>rd</sup> day of February, 2007, per motion on February 2, 2007.

APPROVED TO AS FORM

Diana Cuckin  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAI'I

By Michael D. Formby  
MICHAEL D. FORMBY  
Vice Chairperson and Commissioner

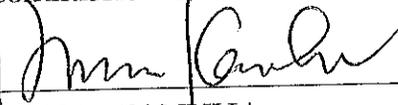
By (absent)  
LISA M. JUDGE  
Chairperson

By Steven Lee Montgomery  
STEVEN LEE MONTGOMERY  
Vice Chairperson

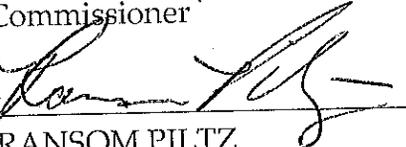
By Thomas Contrades  
THOMAS CONTRADES  
Commissioner

By  \_\_\_\_\_

KYONG-SU IM  
Commissioner

By  \_\_\_\_\_

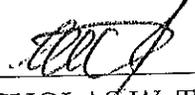
DUANE KANUHA  
Commissioner

By  \_\_\_\_\_

RANSOM PILTZ  
Commissioner

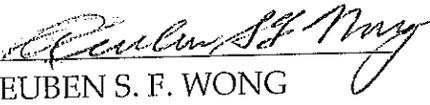
Filed and effective on:

MAR 16 2007

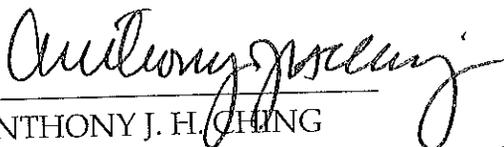
By  \_\_\_\_\_

NICHOLAS W. TEVES, JR.  
Commissioner

Certified by:

By  \_\_\_\_\_

REUBEN S. F. WONG  
Commissioner

  
\_\_\_\_\_  
ANTHONY J. H. CHING

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the matter of the Petition	)	DOCKET NO. A93-700
	)	
of	)	ORDER TO REVERT THE
	)	PETITION AREA FROM THE
OBAYASHI HAWAII CORPORATION,	)	STATE LAND USE URBAN
a Hawai'i corporation	)	DISTRICT TO THE STATE LAND
	)	USE AGRICULTURAL DISTRICT
To Amend the Agricultural Land Use	)	AND DELETE THE CONDITIONS
District Boundary into the Urban Land	)	OF APPROVAL IN FINDINGS OF
Use District for Approximately 57.3	)	FACT, CONCLUSIONS OF LAW,
Acres of land at Paumalu-Pupukea,	)	AND DECISION AN ORDER
Ko'olaupia, O'ahu, State of Hawai'i,	)	DATED OCTOBER 26, 1994
TMK No.: 5-9-006: 024 (por.)	)	

---

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order To Revert The Petition Area From The State Land Use Urban District To The State Land Use Agricultural District And Delete The Conditions Of Approval In Findings Of Fact, Conclusions Of Law, And Decision An Order Dated October 26, 1994 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL.           LAURA H. THIELEN, Director  
                  Office of Planning  
                  P. O. Box 2359  
                  Honolulu, Hawaii 96804-2359

BRYAN YEE, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813

HENRY ENG, Director  
Department of Planning and Permitting  
650 South King Street  
Honolulu, Hawaii 96813

CARRIE OKINAGA, Esq.  
Corporation Counsel  
City and County of Honolulu  
530 South King Street  
Honolulu, HI 96813

CERT. BENJAMIN MATSUBARA, Esq.  
888 Mililani Street, 8th Floor  
Honolu, Hawaii 96813

Dated: Honolulu, Hawaii, MAR 16 2007.

  
\_\_\_\_\_  
ANTHONY J. H. CHING  
Executive