BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI‘I

In the matter of the Petition

of

OBAYASHI HAWAII CORPORATION, a Hawai‘i corporation

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 57.3 Acres of land at Paumalu-Pupukea, Ko‘olauloa, O‘ahu, State of Hawai‘i, TMK No.: 5-9-006: 024 (por.)

DOCKET NO. A93-700
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

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 by
Executive Officer
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAIʻI

In the matter of the Petition

of

OBAYASHI HAWAII CORPORATION, a Hawaiʻi corporation

To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 57.3 Acres of land at Paumalu-Pupukea, Koʻolauloa, Oʻahu, State of Hawaiʻi, TMK No.: 5-9-006: 024 (por.)

) DOCKET NO. A93-700
) 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

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 Hawaiʻi 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, Koʻolauloa, Oʻahu, State of Hawaiʻi, 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‘olauloa, 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 23rd 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 23rd day of February, 2007, per motion on February 2, 2007.

APPROVED TO AS FORM

Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAI‘I

By
MICHAEL D. FORMBY
Vice Chairperson and Commissioner

By (absent)
LISA M. JUDGE
Chairperson

By
STEVEN LEB MONTGOMERY
Vice Chairperson

By
THOMAS CONTRADES
Commissioner

Docket No. 93-700 Obayashi Hawaii Corporation
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 and Order Dated October 26, 1994
Filed and effective on: MAR 16 2007

Certified by: ANTHONY J. H. CHING

By KYONG-SU IM
Commissioner

By DUANE KANUHA
Commissioner

By RANSOM PILTZ
Commissioner

By NICHOLAS W. TEVES, JR.
Commissioner

By REUBEN S. F. WONG
Commissioner

Docket No. 93-700 Obayashi Hawaii Corporation
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 and Order Dated October 26, 1994
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI’I

In the matter of the Petition

of

OBAYASHI HAWAII CORPORATION,
a Hawai’i corporation

To Amend the Agricultural Land Use
District Boundary into the Urban Land
Use District for Approximately 57.3
Acres of land at Paumalu-Pupukea,
Ko’olauola, O’ahu, State of Hawai’i,
TMK No.: 5-9-006: 024 (por.)

DOCKET NO. A93-700

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

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. THIELLEN, 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
Honolulu, Hawaii 96813

Dated: Honolulu, Hawaii, __MAR 16 2007______

[Signature]

ANTHONY J. H. CHING
Executive

Docket No. 93-700 Obayashi Hawaii Corporation
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 and Order Dated October 26, 1994