

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of The	)	DOCKET NO. A99-728
)	
HOUSING AND COMMUNITY	)	ORDER RECOGNIZING THE
DEVELOPMENT CORPORATION OF	)	UNIVERSITY OF HAWAII AS THE
HAWAII, STATE OF HAWAII	)	SUCCESSOR-IN-INTEREST TO
	)	PETITIONER HOUSING AND
To Amend The Agricultural Land Use	)	COMMUNITY DEVELOPMENT
District Boundary Into The Urban Land Use	)	CORPORATION OF HAWAII,
District For Approximately 1,300 Acres Of	)	STATE OF HAWAII, AND
Land At Honouliuli, `Ewa, O`ahu, Hawaii`i,	)	ASSIGNING THE UNIVERSITY OF
Tax Map Keys: 9-1-16: 8, 108, 109; 9-1-17: 71,	)	HAWAII'S PROPERTY WITH A
86; And 9-1-18: 3, 5	)	NEW DOCKET NUMBER
)	

ORDER RECOGNIZING THE UNIVERSITY OF HAWAII AS THE SUCCESSOR-IN-INTEREST TO PETITIONER HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, STATE OF HAWAII, AND ASSIGNING THE UNIVERSITY OF HAWAII'S PROPERTY WITH A NEW DOCKET NUMBER

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of The) DOCKET NO. A99-728
)
HOUSING AND COMMUNITY) ORDER RECOGNIZING THE
DEVELOPMENT CORPORATION OF) UNIVERSITY OF HAWAII AS THE
HAWAII, STATE OF HAWAII) SUCCESSOR-IN-INTEREST TO
) PETITIONER HOUSING AND
To Amend The Agricultural Land Use) COMMUNITY DEVELOPMENT
District Boundary Into The Urban Land Use) CORPORATION OF HAWAII,
District For Approximately 1,300 Acres Of) STATE OF HAWAII, AND
Land At Honouliuli, `Ewa, O`ahu, Hawaii`i,) ASSIGNING THE UNIVERSITY OF
Tax Map Keys: 9-1-16: 8, 108, 109; 9-1-17: 71,) HAWAII'S PROPERTY WITH A
86; And 9-1-18: 3, 5) NEW DOCKET NUMBER
)

ORDER RECOGNIZING THE UNIVERSITY OF HAWAII AS THE SUCCESSOR-IN-
INTEREST TO PETITIONER HOUSING AND COMMUNITY DEVELOPMENT
CORPORATION OF HAWAII, STATE OF HAWAII, AND ASSIGNING THE
UNIVERSITY OF HAWAII'S PROPERTY WITH A NEW DOCKET NUMBER

On March 9, 2007, the University of Hawaii`i ("UH") filed a Motion To Amend Findings Of Fact, Conclusions Of Law, And Decision And Order Dated September 8, 1999 ("Motion"), pursuant to sections 15-15-70 and 15-15-94, Hawaii`i Administrative Rules ("HAR"). In the Motion, the UH requested, among other things, that the Land Use Commission ("Commission") (i) recognize the UH as the successor-in-interest to Petitioner Housing and Community Development Corporation of Hawaii`i, State of Hawaii`i ("HCDCH"), in the above-entitled docket for the UH's 500.327-acre parcel (Land Court Lot 10077), identified as Tax Map Key: 9-1-16: 120, 127, and 129 ("Property"), in the Petition Area; (ii) recognize the Property as separate from

the remaining approximately 800 acres of land comprising the Petition Area; and (iii) if appropriate, redesignate this docket with a new docket number for the Property. A Memorandum In Support (“Memorandum”) was attached to the Motion.

In the Memorandum, the UH stated, among other things, that as a result of the UH’s acquisition of the Property for the development of the UH West O`ahu campus and community, the HCDCH is no longer directly involved in the development of the Property.

The Commission considered the matter at its meeting on May 17, 2007, in Honolulu, Hawai`i.¹ J. Douglas Ing, Esq.; Emi L.M. Kaimulua, Esq.; and Gene I. Awakuni appeared on behalf of the UH. Bryan C. Yee, Esq.; Abe Mitsuda; and Scott Derrickson appeared on behalf of the State Office of Planning (“OP”). Lori Sunakoda, Esq., and Matt Higashida appeared on behalf of the City and County of Honolulu Department of Planning and Permitting (“DPP”). Yvonne Y. Izu, Esq., appeared on behalf of Intervenor Haseko (Ewa), Inc. (“Haseko”)

At the meeting, a motion was made and seconded to (i) recognize the UH as the successor-in-interest to Petitioner HCDCH with respect solely to the Property; and (ii) treat the Property separately from the remaining approximately 800 acres of

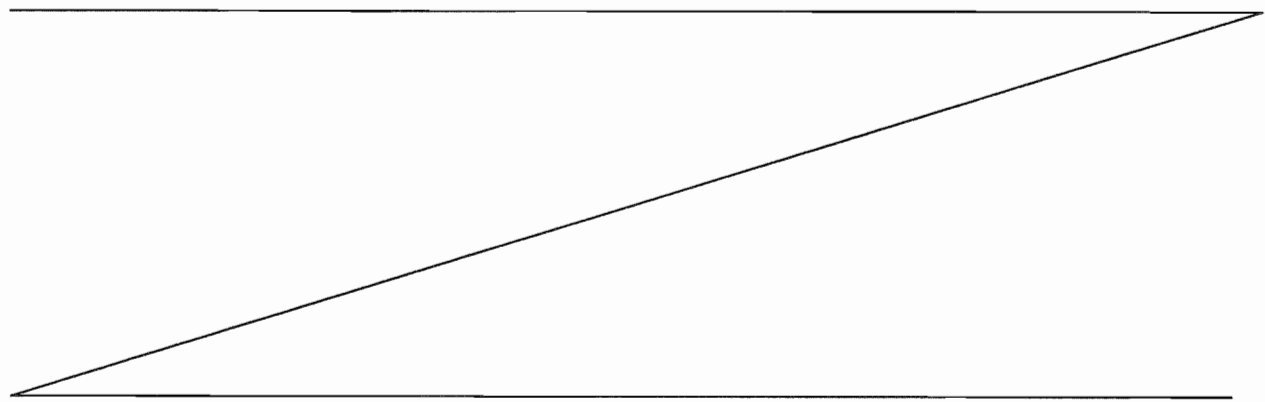
¹ In its Motion, the UH also requested that certain conditions of the Findings Of Fact, Conclusions Of Law, And Decision And Order dated September 8, 1999 be amended or released. This portion of the Motion was considered separately by the Commission.

land comprising the Petition Area in this docket and assign it the Docket Number A99-728(a). There being a vote tally of 8 ayes and 1 absent, the motion carried.

ORDER

This Commission, having duly considered this matter, the oral and written arguments presented by OP, the DPP, and Haseko, and a motion having been made at a meeting conducted on May 17, 2007, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the UH shall be recognized as the successor-in-interest to Petitioner HCDCH with respect solely to the Property, and that the Property shall be treated separately from the remaining approximately 800 acres of land comprising the Petition Area in this docket and shall be assigned the Docket Number A99-728(a). HCDCH shall continue to be the Petitioner of record for the remaining approximately 800 acres of land comprising the Petition Area in Docket Number A99-728.



ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 21st day of June, 2007. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawai'i, this 21st day of June, 2007, per motion on May 17, 2007.

APPROVED AS TO FORM

Diane Makini
Deputy Attorney General

LAND USE COMMISSION
STATE OF HAWAI'I

By Lisa Judge
LISA JUDGE
Chairperson and Commissioner

By Michael Formby
MICHAEL FORMBY
Vice-Chairperson and Commissioner

By Thomas Contrades
THOMAS CONTRADES
Commissioner

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of The) DOCKET NO. A99-728
)
HOUSING AND COMMUNITY) CERTIFICATE OF SERVICE
DEVELOPMENT CORPORATION OF)
HAWAII, STATE OF HAWAII)
)
To Amend The Agricultural Land Use)
District Boundary Into The Urban Land Use)
District For Approximately 1,300 Acres Of)
Land At Honouliuli, `Ewa, O`ahu, Hawaii,)
Tax Map Keys: 9-1-16: 8, 108, 109; 9-1-17: 71,)
86; And 9-1-18: 3, 5)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Recognizing The University Of Hawaii As The Successor-In-Interest To Petitioner Housing And Community Development Corporation Of Hawaii, State Of Hawaii, And Assigning The University Of Hawaii's Property With A New Docket Number 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: Ms. Laura Thielen, Director
Office of Planning
P.O. Box 2359
Honolulu, Hawaii 96804

Mr. Henry Eng, Director
Dept of Planning and
Permitting
650 South King Street
Honolulu, Hawaii 96813

Carrie Okinaga, Esq.
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813

Bryan Yee, Esq.
Deputy Attorney General
Hale Auhau
425 Queen Street
Honolulu, Hawaii 96813

Diane Taira, Esq.
Deputy Attorney General
Hale Auhau
425 Queen Street
Honolulu, Hawaii 96813

CERT: Douglas Ing, Esq.
Watanabe Ing & Komeiji LLP
999 Bishop Street, 23rd Floor
Honolulu, Hawaii 96813

CERT: Angela Fong, Esq.
Oshima Chung Fong & Chung
nka Morihara Lau & Fong LLP
841 Bishop Street, Suite 400
Honolulu, Hawaii 96813

Honolulu, Hawai'i, JUN 21 2007.



ANTHONY J. H. CHING
Executive Officer