BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of HASEKO (HAWAII), INC. To Amend the Agricultural Land Use District Boundary into the Urban Land Use District for Approximately 403.008 acres at Honouliuli, Ewa, Oahu, Hawaii, Tax Map Key Nos.: 9-1-12: 5 (por.), 6 (por.), and 23 (por.)	Docket No. A89-651 ORDER GRANTING MOTION FOR RELIEF FROM AND/OR MODIFICATION OF CONDITION NO. 2 OF THE DECISION AND ORDER ENTERED ON OCTOBER 17, 1990

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.

MAY 03 1994 by _____
Date Executive Officer

ORDER GRANTING MOTION FOR RELIEF FROM AND/OR MODIFICATION OF CONDITION NO. 2 OF THE DECISION AND ORDER ENTERED ON OCTOBER 17, 1990

LAND USE COMMISSION
STATE OF HAWAII
MAY 3 7 56 AM '94

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ORDER GRANTING MOTION FOR RELIEF FROM AND/OR MODIFICATION OF CONDITION NO. 2 OF THE DECISION AND ORDER ENTERED ON OCTOBER 17, 1990

On February 17, 1994, Haseko (Ewa), Inc., a Hawaii corporation ("Petitioner"), assignee of Haseko (Hawaii), Inc., filed a Motion for Relief from and/or Modification of Condition No. 2 of the Decision and Order Entered on October 17, 1990 ("Motion") pursuant to Sections 15-15-70 and 15-5-94, Hawaii Administrative Rules ("HAR"). Petitioner's Motion requested that in lieu of the affordable golf tee time requirement provided in Condition No. 2 of the Decision and Order filed on October 17, 1990, Petitioner be allowed to donate its approximately 9.4 acres of beachfront land adjoining Oneula Beach Park to the community for public park and/or open space use; provided, that Petitioner is able to obtain a grading permit from the City and County of Honolulu for its golf course on terms that are reasonable.

Intervenor Department of the Navy was served with a copy of the Motion and did not submit any written response to the Motion nor did it appear at the hearing on this matter.

The Motion having come on for hearing before this Commission on April 7, 1994 at its meeting in Honolulu, Hawaii, and this Commission, having considered the arguments presented by Petitioner, the Office of State Planning, and the City and County of Honolulu Planning Department in this proceeding and the record in this proceeding, and good cause existing therefrom,

IT IS HEREBY ORDERED that Condition Number 2 be amended as follows:

2. As Petitioner has volunteered to ameliorate the anticipated social impacts of the project by the conveyance of its 9.4-acre beachfront land to the City and County of Honolulu pursuant to the terms of the Unilateral Agreement and Declaration for Conditional Zoning dated November 29, 1993, Petitioner may convey such property in lieu of the golf course play provision as set forth hereinafter.

   If Petitioner does not convey its 9.4-acre beachfront land to the City and County of Honolulu pursuant to the Unilateral Agreement and Declaration for Conditional Zoning dated November 29, 1993, Petitioner shall make available adequate golf tee times (no less than 40 percent of the total tee times) at affordable rates for public play by Hawaii residents based on prevailing rates for public play at privately owned golf courses. This condition may be fully satisfied by the development by Petitioner of an 18-hole public play course within and/or outside the Petition Area acceptable to the Office of State Planning.

All other conditions of the Decision and Order filed on October 17, 1990, and as amended by Order Granting Motion for Approval of Job Credits and Motion for Clarification and/or Modification of Condition filed on February 8, 1994, are hereby reaffirmed and shall continue in effect.

DOCKET NO. A89-651 - HASEKO (HAWAII), INC.

Done at Honolulu, Hawaii, this 3rd day of May 1994, per motion on April 7, 1994.

LAND USE COMMISSION
STATE OF HAWAII

By _____
JOANN N. MATTSON
Chairperson and Commissioner

By _____
KAREN S. AHN
Vice Chairperson and Commissioner

By (absent)
TRUDY K. SENDA
Vice Chairperson and Commissioner

By _____
ALLEN K. HOE
Commissioner

By _____
LLOYD F. KAWAKAMI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

By _____
RENTON L. K. NIP
Commissioner

Filed and effective on
May 3, 1994

Certified by:

_____
Executive Officer

By _____
ELTON WADA
Commissioner

By _____
DELMOND J. H. WON
Commissioner

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OF THE STATE OF HAWAII

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion for Relief From And/Or Modification of Condition No. 2 of the Decision and Order Entered on October 17, 1990 was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

HAROLD S. MASUMOTO, Director
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540

ROBIN FOSTER, Chief Planning Officer
Planning Department
CERT. City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

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Honolulu, Hawaii 96813

REBECCA M.K. HOMMON, ESQ., Attorney for Intervenor
Office of Counsel
CERT. Pacific Division
Naval Facilities Engineering Control
Pearl Harbor, Hawaii 96860

DATED: Honolulu, Hawaii, this 3rd day of May 1994.

ESTHER UEDA
Executive Officer