

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of	)	DOCKET NO. DR02-26
	)	
KULEANA KU'IKAHI, LLC	)	ORDER GRANTING LAUNIUPOKO
	)	ASSOCIATES, LLC'S, ORAL MOTION
For A Declaratory Order Declaring That	)	TO INTERVENE AND TO
Subdivision And Development Of	)	WITHDRAW MOTION TO DISMISS
Approximately 4,500 Acres Of Land In	)	LAUNIUPOKO ASSOCIATES, LLC
An Agricultural District Requires A	)	FROM THIS PROCEEDING
District Boundary Amendment	)	
_____	)	

ORDER GRANTING LAUNIUPOKO ASSOCIATES, LLC'S, ORAL MOTION TO  
INTERVENE AND TO WITHDRAW MOTION TO DISMISS LAUNIUPOKO  
ASSOCIATES, LLC FROM THIS PROCEEDING

LAND USE COMMISSION  
STATE OF HAWAII  
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ORDER GRANTING LAUNIUPOKO ASSOCIATES, LLC'S, ORAL MOTION TO INTERVENE AND TO WITHDRAW MOTION TO DISMISS LAUNIUPOKO ASSOCIATES, LLC FROM THIS PROCEEDING

At the Land Use Commission's ("Commission") meeting on March 28, 2003, in Waipahu, O'ahu, Hawai'i, Richard Kiefer, Esq., appearing on behalf of Launiupoko Associates, LLC ("Launiupoko"), orally moved to intervene in this proceeding and to withdraw its Motion To Dismiss Launiupoko Associates, LLC From This Proceeding ("Motion To Dismiss") filed on March 10, 2003, pursuant to sections 15-15-53 and 15-15-70, Hawai'i Administrative Rules ("HAR").

Also present at the meeting were James R. McCarty, Esq., on behalf of Petitioner Kuleana Ku'ikahi; Thomas D. Welch, Jr., Esq., on behalf of Kauaula Land Company, LLC; Jamie Y. Tanabe, Esq., and M. U'ilani Pau'ole, Esq., on behalf of Makila Land Company, LLC; and Russell Y. Tsuji, Esq., on behalf of the Office of Planning. The

County of Maui was not present at this meeting but had previously filed a Statement Of No Position To Launiupoko's Motion To Dismiss with this Commission on March 27, 2003.

None of the other parties in this proceeding raised any objections to Launiupoko's oral motion to intervene and to withdraw its Motion To Dismiss. Thereafter, a motion was made and seconded to grant Launiupoko's oral motion to intervene and to withdraw its Motion To Dismiss, with the understanding that Launiupoko will be ready to proceed at this Commission's April 9 and 10, 2003, hearing on this matter. Following discussion by the Commissioners, a vote was taken on this motion. There being a vote tally of 7 ayes, 0 nays, and 2 absent, the motion carried.


#### ORDER

Having duly considered Launiupoko's oral motion to intervene and to withdraw its Motion To Dismiss, the oral and written arguments presented by the parties, and having determined and concluded that Launiupoko has demonstrated that it will be so directly and immediately affected by the Petition for a Declaratory Order ("Petition") filed in this proceeding and that its interest in the proceeding is clearly distinguishable from that of the general public; that its position concerning the Petition is not substantially the same as the position of a party already admitted in this proceeding; and that admission of Launiupoko will not render the proceedings inefficient and unmanageable, and a motion having been made at a meeting conducted

on March 28, 2003, in Waipahu, O'ahu, 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, this Commission ORDERS that Launiupoko's oral motion to intervene and to withdraw its Motion To Dismiss be GRANTED.

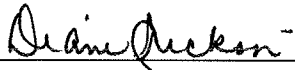
Dated: Honolulu, Hawai'i, JUN 2 2003.


LAND USE COMMISSION  
STATE OF HAWAII

By   
LAWRENCE N. CHUNG  
Chairperson and Commissioner

APPROVED AS TO FORM:

Filed and effective on  
JUN 2 2003, 2003

  
Deputy Attorney General

Certified by:  
  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of ) DOCKET NO. DR02-26  
)  
KULEANA KU'IKAHI, LLC ) CERTIFICATE OF SERVICE  
)  
For A Declaratory Order Declaring That )  
Subdivision And Development Of )  
Approximately 4,500 Acres Of Land In )  
An Agricultural District Requires A )  
District Boundary Amendment )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

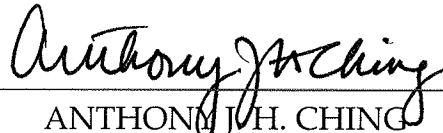
I hereby certify that a copy of the Order Granting Launiupoko Associates, LLC's, Oral Motion To Intervene And To Withdraw Motion To Dismiss Launiupoko Associates, LLC From This Proceeding was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

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Dated: Honolulu, Hawaii, JUN 2 2003.

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