

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 KAUAULA
	)	LAND COMPANY LLC'S PETITION
For A Declaratory Order Declaring That	)	TO INTERVENE UNDER HAR
Subdivision And Development Of	)	SECTION 15-15-53 AND
Approximately 4,500 Acres Of Land In	)	WITHDRAWAL OF REQUEST FOR
An Agricultural District Requires A	)	ORDER LIMITING THE SCOPE OF
District Boundary Amendment	)	PROCEEDINGS
_____)	

ORDER GRANTING KAUAULA LAND COMPANY LLC'S PETITION TO
INTERVENE UNDER HAR SECTION 15-15-53 AND WITHDRAWAL OF REQUEST
FOR ORDER LIMITING THE SCOPE OF PROCEEDINGS

LAND USE COMMISSION
STATE OF HAWAII
2003 JUN -2 A 10:50

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 KAUAULA
	)	LAND COMPANY LLC'S PETITION
For A Declaratory Order Declaring That	)	TO INTERVENE UNDER HAR
Subdivision And Development Of	)	SECTION 15-15-53 AND
Approximately 4,500 Acres Of Land In	)	WITHDRAWAL OF REQUEST FOR
An Agricultural District Requires A	)	ORDER LIMITING THE SCOPE OF
District Boundary Amendment	)	PROCEEDINGS
_____)	

ORDER GRANTING KAUAULA LAND COMPANY LLC'S PETITION TO
INTERVENE UNDER HAR SECTION 15-15-53 AND WITHDRAWAL OF REQUEST
FOR ORDER LIMITING THE SCOPE OF PROCEEDINGS

On November 4, 2002, Kauaula Land Company LLC ("Kauaula") filed a Petition To Intervene Under HAR Section 15-15-53 ("Petition To Intervene"), pursuant to section 15-15-53, Hawai'i Administrative Rules ("HAR").

On March 10, 2003, Kauaula filed a Request For Order Limiting The Scope Of Proceedings ("Request For Order"), pursuant to section 15-15-70, HAR.

The Land Use Commission ("Commission") considered the Petition To Intervene and Request For Order at its meeting on March 28, 2003, in Waipahu, O'ahu, Hawai'i. Thomas D. Welch, Jr., Esq., appeared on behalf of Kauaula. Also present were James R. McCarty, Esq., on behalf of Petitioner Kuleana Ku'ikahi; Richard Kiefer, Esq., on behalf of Launiupoko Associates, 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 Kauaula's Petition To Intervene And Request For Order with this Commission on March 27, 2003.

At the meeting, Kauaula stated that if its Petition To Intervene were granted, it would withdraw its Request For Order. None of the other parties in this proceeding raised any objections to the Petition To Intervene and Request For Order. Thereafter, a motion was made and seconded to grant Kauaula's Petition To Intervene with the understanding that Kauaula will withdraw its Request For Order, and further that Kauaula will be ready to proceed at this Commission's April 9 & 10, 2003, hearing on this matter. Following deliberation by the Commissioners, a vote was taken on this motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

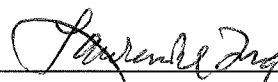
ORDER

Having duly considered Kauaula's Petition To Intervene and Request For Order, the oral and written arguments presented by the parties, and having determined and concluded that Kauaula 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

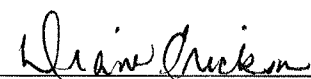
Kauaula will not render the proceedings inefficient and unmanageable, and a motion having been made at a meeting conducted on March 28, 2003, in Waipahu, O`ahu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission ORDERS that Kauaula's Petition To Intervene and the withdrawal of Kauaula's Request For Order be GRANTED.

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


LAND USE COMMISSION
STATE OF HAWAII

By 
LAWRENCE N. C. KING
Chairperson and Commissioner

APPROVED AS TO FORM:


Deputy Attorney General

Filed and effective on
JUN 2 2003, 2003

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

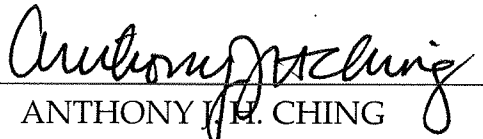
I hereby certify that a copy of the Order Granting Kauaula Land Company LLC's Petition To Intervene Under HAR Section 15-15-53 And Withdrawal Of Request For Order Limiting The Scope Of Proceedings was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL. MARY LOU KOBAYASHI
Office of Planning
P. O. Box 2359
Honolulu, Hawaii 96804-2359

CERT. JOHN CHANG, Esq.
Deputy Attorney General
Hale Auhau, Third Floor
425 Queen Street
Honolulu, Hawaii 96813

- CERT. BRIAN MOTO, Esq.
Corporation Counsel
County of Maui
250 South High Street
Wailuku, Hawaii 96793
- CERT. MICHAEL FOLEY, Director of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793
- CERT. JAMES R. MCCARTY, Esq.
2530 Kekaa Drive, Suite B-6
Lahaina, Hawaii 96761
- CERT. THOMAS D. WELCH, Esq.
33 Lono Avenue, Suite 470
Kahului, Hawaii 96732
- CERT. BENJAMIN A. KUDO, Esq.
Imanaka Kudo & Fujimoto
745 Fort Street, 17th Flr.
Honolulu, Hawaii 96813
- CERT. RICHARD KIEFER, Esq.
Carlsmith Ball LLP
One Main Plaza, Suite 400
2200 Main Street
Wailuku, Hawaii 96793

Dated: Honolulu, Hawaii, JUN 2 2003.


ANTHONY M. CHING
Executive Officer