

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
OBAYASHI HAWAII CORPORATION)
)
To Amend the State Land Use)
Agricultural District Boundary)
into the Urban Land Use District)
for Approximately 57.3 acres at)
Paumalu, Koolauloa, Oahu, Hawaii,)
TMK No.: 5-9-06: 24 (por.))
_____)

Docket No. A93-700
ORDER GRANTING IN PART
AND DENYING IN PART
PETITION TO INTERVENE

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LAND USE COMMISSION
STATE OF HAWAII

ORDER GRANTING IN PART AND DENYING IN PART
PETITION TO INTERVENE

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	Docket No. A93-700
)	
OBAYASHI HAWAII CORPORATION)	ORDER GRANTING IN PART
)	AND DENYING IN PART
To Amend the State Land Use)	PETITION TO INTERVENE
Agricultural District Boundary)	
into the Urban Land Use District)	
for Approximately 57.3 acres at)	
Paumalu, Koolauloa, Oahu, Hawaii,)	
TMK No.: 5-9-06: 24 (por.))	
_____)	

ORDER GRANTING IN PART AND DENYING IN PART
PETITION TO INTERVENE

On February 11, 1994, Kamuela Price, Walter R. Schoettle, Maui Loa, and The Church of Hawaii Nei filed a joint Petition to Intervene ("Petition") in this proceeding pursuant to Section 15-15-52, Hawaii Administrative Rules ("HAR").

On February 18, 1994, Obayashi Hawaii Corporation ("Petitioner") filed Petitioner's Memorandum in Opposition to Petition for Intervention ("Memorandum").

The Petition came on for hearing at Lihue, Kauai, on February 24, 1994, with objections made by Petitioner and with no opposition by the Office of State Planning. The Memorandum was also considered by this Commission and arguments presented by Petitioner and Mr. Walter R. Schoettle on behalf of himself, Kamuela Price, Maui Loa, and The Church of Hawaii Nei were heard.

This Commission, having considered the arguments presented by the parties to the proceedings and record in this docket, hereby finds and concludes that Kamuela Price has demonstrated that he will be so directly and immediately affected by the proposed change that his interest in the proceeding is distinguishable from that of the general public; that his position concerning the proposed change is not substantially the same as the position of a party already admitted in this proceeding; and that admission of Kamuela Price will not render the proceedings inefficient and unmanageable, and for good cause shown;

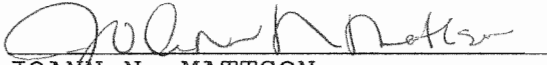
This Commission further finds and concludes that Walter R. Schoettle, Maui Loa, and The Church of Hawaii Nei have failed to clearly distinguish their respective interests from the interest of Kamuela Price; that their position concerning the proposed change is substantially the same as Kamuela Price; and, that the admission of Walter R. Schoettle, Maui Loa, and The Church of Hawaii Nei as additional parties will render this proceeding inefficient and unmanageable.

IT IS HEREBY ORDERED that the Petition to Intervene with respect to Kamuela Price be and is hereby GRANTED, and that the scope of his intervention shall be limited to any effect the proposed change will have upon the value and safety of his property.

IT IS FURTHER ORDERED that the Petition to Intervene with respect to Walter R. Schoettle, Maui Loa, and The Church of Hawaii Nei be and is hereby DENIED.

Dated: Honolulu, Hawaii, March 9, 1994.

LAND USE COMMISSION
STATE OF HAWAII

By 
JOANN N. MATTSON
Chairperson and Commissioner

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of) Docket No. A93-700
OBAYASHI HAWAII CORPORATION) CERTIFICATE OF SERVICE
To Amend the State Land Use)
Agricultural District Boundary)
into the Urban Land Use District)
for Approximately 57.3 acres at)
Paumalu, Koolauloa, Oahu, Hawaii,)
TMK No.: 5-9-06: 24 (por.))
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting In Part and Denying In Part Petition to Intervene 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
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Honolulu, Hawaii 96811-3540


CERT. ROBIN FOSTER, Chief Planning Officer
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City and County of Honolulu
650 South King Street
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CERT. LYLE HARADA, ESQ., Attorney for Petitioner
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CERT. KAMUELA PRICE, INTERVENOR
P. O. Box 459
Haleiwa, Hawaii 96712

CERT. WALTER R. SCHOETTLE, ESQ.
Suite 1012
1088 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 9th day of March 1994.



ESTHER UEDA
Executive Officer