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 MOTION
FOR RECONSIDERATION OF
PETITION TO INTERVENE

ORDER GRANTING MOTION FOR RECONSIDERATION
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On March 8, 1994, Maui Loa filed a Motion for
Reconsideration of Petition to Intervene ("Motion") in this
proceeding pursuant to Section 15-15-70, Hawaii Administrative
Rules ("HAR") to seek reconsideration of this Commission’s oral
ruling of February 24, 1994 denying the Petition for
Intervention with respect to Maui Loa filed with this

On February 24, 1994, and by a written Order filed on
March 9, 1994, this Commission found and concluded that Maui
Loa failed to clearly distinguish his interest from the
interest of Intervenor Kamuela Price; that his position
concerning the proposed reclassification was substantially the
same as Intervenor Kamuela Price; and, that the admission of
Maui Loa as an additional party would render this proceeding
inefficient and unmanageable.
Attached in support of the Motion was an affidavit of Maui Loa stating that he is a native Hawaiian as defined by the Hawaiian Homes Commission Act of 1920 and Section 5(f) of the Hawaii Admission Act; that his father, Kamuela Price, is not a native Hawaiian; and, that his cultural and economic interest as a native Hawaiian as well as a landowner in the vicinity of Obayashi Hawaii Corporation’s ("Petitioner") project is sufficiently distinct from the interest of Kamuela Price in this proceeding as a landowner.

On March 15, 1994, Petitioner opposed the Motion by filing its Memorandum in Opposition to the Motion for Reconsideration.

The Motion came on for hearing at Honolulu, Hawaii, on March 23, 1994. The City and County of Honolulu Planning Department and the Office of State Planning argued that it had no objections to the Motion.

This Commission, having considered the arguments presented by all the parties in this proceeding and the record in this proceeding, hereby finds and concludes that Maui Loa has demonstrated that he will be so directly and immediately affected by the proposed reclassification that his interest in the proceeding is distinguishable from that of Kamuela Price; and, that admission of Maui Loa will not render the proceedings inefficient and unmanageable; and, for good cause shown;

NOW HEREBY ORDERS that the Motion for Reconsideration of Petition to Intervene filed by Maui Loa be and is hereby
GRANTED; provided that Maui Loa's scope of intervention shall be limited to any effect the proposed reclassification will have upon his cultural and economic interest as a native Hawaiian; and, that his intervention in this proceeding shall be permitted through his counsel, Walter R. Schoettle.


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 )
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TMK No.: 5-9-06: 24 (por.) )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Motion for Reconsideration of 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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P. O. Box 3540
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ROBIN FOSTER, Chief Planning Officer
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LYLE HARADA, ESQ., Attorney for Petitioner
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KAMUELA PRICE, INTERVENOR
CERT.
P. O. Box 459
Haleiwa, Hawaii 96712

WALTER SCHOETTLE, ESQ., Attorney for Intervenor Maui Loa
CERT.
Suit 1012
1088 Bishop Street
Honolulu, Hawaii 96813

DATED: Honolulu, Hawaii, this 6th day of May 1994.

ESTHER UEEDA
Executive Officer