

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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

MAY 6 1993
LAND USE COMMISSION
HAWAII

ORDER GRANTING MOTION FOR RECONSIDERATION
OF 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 MOTION
)	FOR RECONSIDERATION OF
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 MOTION FOR RECONSIDERATION
OF PETITION TO INTERVENE

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 Commission on February 11, 1994.

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.

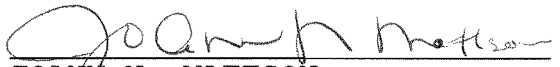
This Commission, having considered the arguments presented by all the parties in this proceeding and the record in this proceeding, hereby finds and concludes that Maui Loa has demonstrated that he will be so directly and immediately affected by the proposed reclassification that his interest in the 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.

Dated: Honolulu, Hawaii, May 6, 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 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
Office of State Planning
P. O. Box 3540
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CERT. ROBIN FOSTER, Chief Planning Officer
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City and County of Honolulu
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CERT. KAMUELA PRICE, INTERVENOR
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Haleiwa, Hawaii 96712

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

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



ESTHER UEDA
Executive Officer