



BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of) DOCKET NO. DR08-36
)
KO OLINA DEVELOPMENT, LLC) ORDER REQUIRING SUPPLEMENTARY
) WRITTEN STATUS REPORT AND
For A Declaratory Order To Determine) FOLLOW-UP ORAL STATUS REPORT
Whether Petitioner's Location Of The) AND CERTIFICATE OF SERVICE
Public Boat Launch Ramp At Kalaeloa)
With The Installation Of The Proposed)
Improvements Constitute Substantial)
Compliance With Representations)
Made To The Land Use Commission)
_____)

ORDER REQUIRING SUPPLEMENTARY WRITTEN STATUS REPORT
AND FOLLOW-UP ORAL STATUS REPORT

AND

CERTIFICATE OF SERVICE

This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

January 29, 2013 by

Executive Officer



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

2013 JAN 29 A 7:57
LAND USE COMMISSION
STATE OF HAWAII

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2013 JAN 29 A 1:57

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ORDER REQUIRING SUPPLEMENTARY WRITTEN STATUS REPORT
AND FOLLOW-UP ORAL STATUS REPORT

On January 24, 2013, Ko Olina Development, LLC ("KOD"), appeared before the State of Hawai'i Land Use Commission ("Commission") in Honolulu, Hawai'i, to provide an oral status report regarding its efforts to construct and complete the boat launch ramp inside the Ko Olina Marina as required pursuant to this Commission's Findings of Fact, Conclusions of Law, and Decision and Order filed November 7, 2008. Benjamin M. Matsubara, Esq.; Wyeth M. Matsubara, Esq.; and Ken Williams were present on behalf of KOD. Bryan C. Yee, Esq., and Rodney Funakoshi

were also present on behalf of the State of Hawai'i Office of Planning ("OP").

At the meeting, this Commission heard public testimony from Warren Von Arnswaldt, Creighton Chang, Ed Watamura, Roy Morioka, and Richard Yamasaki.¹ KOD thereafter provided a presentation on the status of the boat launch ramp.

Following discussion, a motion was made and seconded to require that KOD (1) appear before this Commission on or about April 18-19, 2013, in Honolulu, Hawai'i, to provide a follow-up oral status report regarding its efforts to construct and complete the boat launch ramp inside the Ko Olina Marina; and (2) file with this Commission a supplementary written status report on this matter that shall be in addition to its required quarterly written status report. A vote was taken on this motion. There being a vote tally of 7 ayes and 2 excused, the motion carried.

ORDER

Having duly considered the status and supplemental reports filed in this matter and the oral arguments presented by KOD and OP, and a motion having been made at a meeting held on January 24, 2013, in Honolulu, Hawai'i, and the motion having received the affirmative votes required by Hawai'i Administrative Rules §15-15-13, and there being good cause for the motion, this Commission ORDERS as follows:

¹ Prior to the receipt of public testimony, presiding officer Ronald Heller disclosed that he represents the Association of Apartment Owners at Beach Villas in a lawsuit against the Ko Olina Community Association. There were no objections to presiding officer Heller's participation in the proceeding.

KOD shall appear before this Commission on or about April 18-19, 2013, in Honolulu, Hawai'i, to provide a follow-up oral status report regarding its efforts to construct and complete the boat launch ramp inside the Ko Olina Marina, and shall file with this Commission a supplementary written status report that shall be in addition to its required quarterly written status report on this matter. The supplementary written status report shall be filed not less than 10 days before this Commission's meeting.

ADOPTION OF ORDER


This ORDER shall take effect upon the date this ORDER is certified by this Commission.


Done at Honolulu, Hawai'i, this 29th, day of Jan., 2013, per motion on January 24, 2013.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII



Deputy Attorney General

By 
RONALD HELLER
Vice-Chairperson and Commissioner
(Chair Chock delegated Vice-Chair Heller to sign order)

Filed and effective on:

1/29/13

Certified by:


DANIEL ORODENKER
Executive Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER REQUIRING SUPPLEMENTARY
WRITTEN STATUS REPORT AND FOLLOW-UP ORAL STATUS REPORT 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:

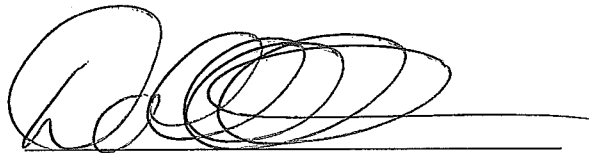
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CURTIS T. TABATA, Esq.
WYETH M. MATSUBARA, Esq.
Matsubara Kotake
888 Mililani Street, Eight Floor
Honolulu, HI 96813

Dated: Honolulu, Hawaii, January 29, 2013.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

DANIEL ORODENKER
Executive Officer