



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
)
BRIDGE `ĀINA LE`A, LLC, Successor)
Petitioner to PUAKŌ HAWAII)
PROPERTIES and D.W. `ĀINA LE`A)
DEVELOPMENT, LLC)
)
To Amend the Agricultural Land Use District)
Boundary into the Urban Land Use District)
for Approximately 1,060 Acres of Land)
Situated at Waikoloa, South Kohala, Island of)
Hawaii`i, State of Hawaii`i, Tax Map Key)
Nos.: 6-8-01: 25 (por.), 36 (por.), 37 (por.),)
38 (por.), 39 (por.), and 40 (por.).)

DOCKET NO. A87-617
ORDER DENYING OFFICE OF
PLANNING'S MOTION FOR ORDER TO
SHOW CAUSE; AND ORDER DENYING
BRIDGE `ĀINA LE`A, LLC'S MOTION
RE: ORDER TO SHOW CAUSE;
CERTIFICATE OF SERVICE

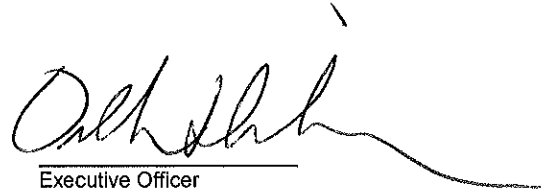
LAND USE COMMISSION
STATE OF HAWAII
2011 MAR 23 P 3:25

**ORDER DENYING OFFICE OF PLANNING'S MOTION FOR ORDER TO
SHOW CAUSE; AND ORDER DENYING BRIDGE `ĀINA LE`A, LLC'S
MOTION RE: ORDER TO SHOW CAUSE**

ORIGINAL

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.

March 23, 2011 by


Executive Officer



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**ORDER DENYING OFFICE OF PLANNING`S MOTION FOR ORDER TO SHOW
CAUSE; AND ORDER DENYING BRIDGE `ĀINA LE`A, LLC`S MOTION RE:
ORDER TO SHOW CAUSE**

On November 12, 2010, the Land Use Commission (“Commission”) received Co-Petitioner Bridge `Āina Le`a, LLC’s (“Bridge”) Motion re: Order to Show Cause and Exhibits A to E..

On November 16, 2010, the Commission received Co-Petitioner DW `Āina Le`a, LLC’s (DW) joinder in Bridge’s motion.

On December 23, 2010, the Commission received the Office of Planning’s (“OP”) Motion for Order to Show Cause and Exhibits A to C.

On January 6, 2011, 2010, the Commission received OP's Opposition to Bridge `Āina Le`a, LLC's Motion re: Order to Show Cause.

On January 7, 2011, the Commission received DW's Memorandum in Opposition to Office of Planning's Motion for Order to Show Cause.

On January 7, 2011, the Commission received Bridge's Memorandum in Opposition to Office of Planning's Motion for Order to Show Cause.

On January 13, 2011, the Commission received Bridge's Reply to Office of Planning's Opposition to Bridge `Āina Le`a, LLC's Motion re: Order to Show Cause.

On January 13, 2011, the Commission received OP's Reply to Petitioner's Memorandum in Response to DW `Āina Le`a, LLC's in Opposition to Office of Planning's Motion for Order to Show Cause.

On January 20, 2011, the Commission voted in favor of a motion to revert the property.

The Commission considered OP' Motion for Order to Show Cause and Bridge's Motion re: Order to Show Cause, at its meeting on January 20, 2011, in Waikoloa, Hawai`i. Bruce Voss, Esq. appeared on behalf of Bridge. Alan Okamoto, Esq. appeared on behalf of DW. William Brillhante, Esq. and Bobbie-Jean Leithead-Todd appeared on behalf of Hawai`i County ("County"). Bryan Yee, Esq. and Mary Lou Kobayashi appeared on behalf of OP.

Mr. Okamoto argued the reasons why the Commission should allow the proposed Project to continue, that DW was prepared to move forward to complete it, and what might occur if DW was unable to complete the proposed Project. After his argument, the Chair asked whether Mr. Okamoto had attended the November 2010 LUC meeting on this docket and had a full and fair opportunity to present additional evidence and witnesses. Mr. Okamoto responded that he had

attended the November LUC meeting and had opportunities to submit additional briefs on the docket and that he had no further argument or evidence to present to the Commission.

Mr. Voss argued the reasons why the Commission should allow the proposed Project to continue. After his argument, the Chair asked whether Mr. Voss had attended the November 2010 LUC meeting on this docket and if he had a full and fair opportunity to present additional arguments, evidence and witnesses. Mr. Voss responded that he had attended the November LUC meeting and had opportunities to submit additional briefs on the docket and that he had no further argument or evidence to present to the Commission.

Mr. Brilhante stated that Hawai'i County supported the proposed Project and affirmed the County's previous testimony. After his argument, the Chair asked whether Mr. Brilhante had attended the November 2010 LUC meeting on this docket and if he had a full and fair opportunity to present additional arguments, evidence and witnesses. Mr. Brilhante responded that he had attended the November LUC meeting and had opportunities to submit additional arguments, exhibits and witnesses on the docket and that he had no further argument or evidence to present to the Commission.

Mr. Yee argued why the pending Order to Show Cause and OP's Motion for Order to Show Cause should be granted, why the Commission should revert the Petition Area, and why Bridge's Motion should be denied. After his argument, the Chair asked whether Mr. Yee had attended the November 2010 LUC meeting on this docket and if he had a full and fair opportunity to present additional arguments, evidence and witnesses. Mr. Yee responded that he had attended the November LUC meeting and had opportunities to submit additional briefs on the docket and that he had nothing further to present to the Commission.

After the parties had an opportunity to present oral argument, and following discussion, a motion was made and seconded to deny both OP's Motion for Order to Show Cause and Bridge's Motion re: Order to Show Cause as moot in light of the Commission's action on the Motion to Revert. There being a vote tally of 8 ayes, and 1 excused, the motion carried.

ORDER

This Commission, having duly considered the pleadings, and oral and written statements and testimony, and oral arguments of the parties, and a motion having been made and seconded at a hearing on January 20, 2011, in Waikoloa, Hawai'i, and the motion having received the affirmative votes required by HAR §15-15-13, and there being good cause for the motion,

HEREBY ORDERS:

1. OP's Motion for Order to Show Cause be and is HEREBY DENIED, and
2. Bridge's Motion Re: Order to Show Cause be and is HEREBY DENIED.

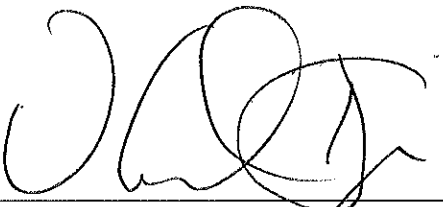
DATED: Honolulu, Hawai'i, this 23rd day of March, 2011, per
motion on January 20, 2011.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAI'I



Deputy Attorney General

By 
VLADIMIR PAUL DEVENS
Chairperson and Commissioner

Filed and effective on:

3/23/2011

Certified by:


ORLANDO DAVIDSON
Executive Officer



BEFORE THE LAND USE COMMISSION

STATE OF HAWAI'I

In the matter of the Petition of) Docket No. A87-617
)
BRIDGE `ĀINA LE`A, LLC, Successor,) CERTIFICATE OF
) SERVICE
Petitioner to Puako Hawai'i Properties; and)
DW `ĀINA LE`A DEVELOPMENT, LLC)
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To Amend the Agricultural Land Use)
District Boundary into the Urban Land)
Use District for Approximately 1,060)
Acres of Land Situated at Waikoloa,)
South Kohala, Island of Hawai'i,)
State of Hawai'i, Tax Map Key Nos.)
6-8-001: 25 (por.), 36 (por.), 37(por.), 38 (por.),)
and 40(por.))
_____)


CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER DENYING OFFICE OF PLANNING'S MOTION FOR ORDER TO SHOW CAUSE; AND ORDER DENYING BRIDGE `ĀINA LE`A, LLC'S MOTION RE: ORDER TO SHOW CAUSE 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:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
JESSE SOUKI, DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai'i 96813	X		
BRYAN YEE, ESQ. Deputy Attorney General Hale `Auhau, Third Floor 425 Queen Street Honolulu, Hawai'i 96813		X	

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
BOBBY JEAN LEITHEAD-TODD County of Hawai'i Planning Director Aupuni Center 101 Pauahi Street, Suite 3 Hilo, Hawai'i 96720		X	
LINCOLN ASHIDA, Esq. County of Hawai'i Office of the Corporation Counsel Hilo Lagoon Center 101 Aupuni Street, Suite 325 Hilo, Hawai'i 96720		X	
Alan M. Okamoto, Esq. Nakamoto, Okamoto & Yamamoto 187 Kapiolani Street Hilo, Hawaii 96720			X
Bruce D. Voss, Esq. Bays Deaver Lung Rose & Holma Alii Place, 16 th Floor 1099 Alakea Street Honolulu, Hawaii 96813			X

Dated Honolulu, Hawai'i, March 23, 2011.



ORLANDO DAVIDSON