



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, State of Hawaii, Tax Map Key )  
Nos.: 6-8-01: 25 (por.), 36 (por.), 37 (por.), )  
38 (por.), 39 (por.), and 40 (por.). )

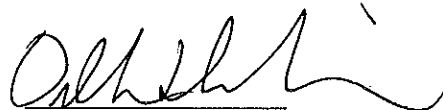
DOCKET NO. A87-617 )  
ORDER DENYING DW 'ĀINA LE'A )  
DEVELOPMENT, LLC'S MOTION TO )  
RECONSIDER AND TO DEFER ENTRY )  
OF FINAL FINDINGS OF FACT, )  
CONCLUSIONS OF LAW: CERTIFICATE )  
OF SERVICE )

2011 MAY 5 PM 1:15  
LAND USE COMMISSION  
STATE OF HAWAII

ORDER DENYING DW 'ĀINA LE'A DEVELOPMENT, LLC'S MOTION TO  
RECONSIDER AND TO DEFER ENTRY OF FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW: 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.

May 5, 2011 by

  
Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

LAND USE COMMISSION  
STATE OF HAWAII  
2011 MAY -5 P 1:15

In the Matter of the Petition of	)	DOCKET NO. A87-617
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BRIDGE 'ĀINA LE'A, LLC, Successor	)	ORDER DENYING DW 'ĀINA LE'A
Petitioner to PUAKŌ HAWAII	)	DEVELOPMENT, LLC'S MOTION TO
PROPERTIES and D.W. 'ĀINA LE'A	)	RECONSIDER AND TO DEFER ENTRY
DEVELOPMENT, LLC	)	OF FINAL FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW; CERTIFICATE
To Amend the Agricultural Land Use District	)	OF SERVICE
Boundary into the Urban Land Use District	)	
for Approximately 1,060 Acres of Land	)	
Situated at Waikoloa, South Kohala, Island of	)	
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ORDER DENYING DW 'ĀINA LE'A DEVELOPMENT, LLC'S MOTION TO  
RECONSIDER AND TO DEFER ENTRY OF FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW: CERTIFICATE OF SERVICE



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A87-617
	)	
BRIDGE `ĀINA LE`A, LLC, Successor	)	ORDER DENYING D.W. `ĀINA LE`A
Petitioner to PUAKŌ HAWAII	)	DEVELOPMENT, LLC `S MOTION TO
PROPERTIES and D.W. `ĀINA LE`A	)	RECONSIDER AND TO DEFER ENTRY
DEVELOPMENT, LLC	)	OF FINAL FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW, DECISION
To Amend the Agricultural Land Use District	)	AND ORDER
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.: 6-8-01: 25 (por.), 36 (por.), 37 (por.),	)	
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2011 MAR 15 PM 1:15  
LAND USE COMMISSION  
STATE OF HAWAII

**ORDER DENYING D.W. `ĀINA LE`A DEVELOPMENT, LLC `S MOTION TO  
RECONSIDER AND TO DEFER ENTRY OF FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW, DECISION AND ORDER**

On March 17, 2011, and March 21, 2011, Co-Petitioner D.W. `Āina Le`a Development, LLC ("DW") filed a Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and Order ("Motion") in this docket. The March 17<sup>th</sup> filing consisted only of copies of the Motion; the March 21<sup>st</sup> filing contained one original and 15 copies of the identical motion.

On March 22, 2011, Co-Petitioner Bridge `Āina Le`a, LLC (“Bridge”) filed its Joinder in D.W. `Āina Le`a Development, LLC’s Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and Order.

On March 24, 2011, the Office of Planning (“OP”) filed a Statement of No Position to Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and Order.

On April 8, 2011, the Commission considered DW’s Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and Order, at its meeting, in Honolulu, Hawai`i, at which time, the parties had an opportunity to present oral argument. Alan Okamoto, Esq., and Mr. Robert Wessels appeared on behalf of DW. Bruce Voss, Esq., appeared on behalf of Bridge. William Brilhante, Esq., appeared on behalf of Hawai`i County. Bryan Yee, Esq., and Jesse Souki appeared on behalf of OP.

Mr. Okamoto requested that Mr. Wessels be allowed to provide testimony on new information regarding necessary financing to satisfy representations made to the Commission. After Mr. Wessels' testimony, Mr. Okamoto concluded his argument.

Mr. Voss suggested that the Commission allow OP and the County to continue working with the Petitioner to amend Condition 1 so that a new proposal could be presented for consideration at the next Commission meeting on the matter.

Mr. Brilhante stated that Hawai`i County took no position on the Petitioner’s Motion. .

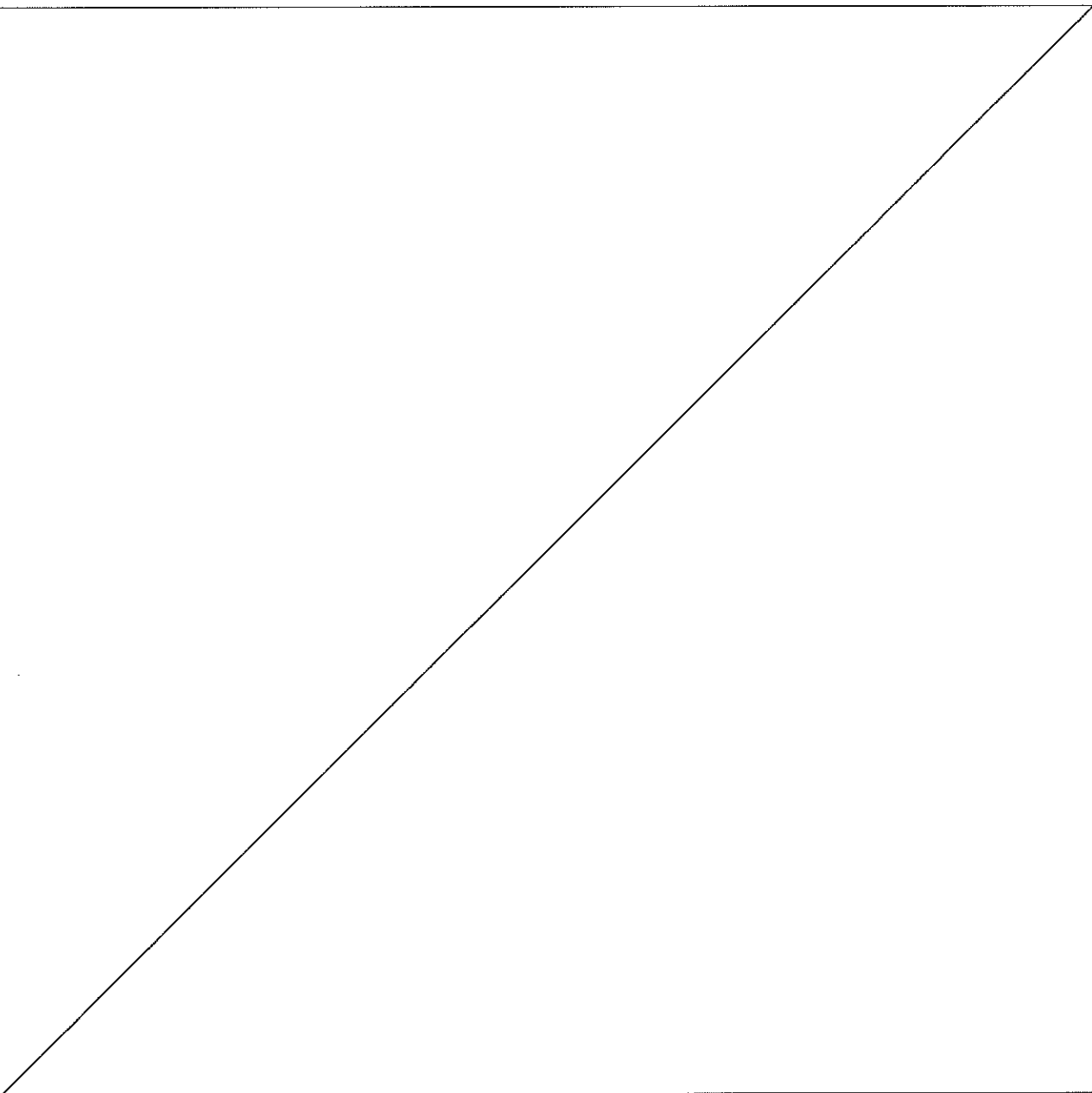
Mr. Yee stated that OP took no position on the Motion.

The Commission took the matter under advisement.

On April 21, 2011, the Commission deliberated and took action on DW’s Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and

Order, at its meeting, in Honolulu, Hawai`i. Alan Okamoto, Esq., appeared on behalf of DW. Bruce Voss, Esq., appeared on behalf of Bridge. Bobbie-Jean Leithead-Todd appeared on behalf of Hawai`i County. Bryan Yee, Esq., and Jesse Souki appeared on behalf of OP.

A motion was made and seconded to deny DW's Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and Order. There being a vote tally of 5 ayes, 3 nays, 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 April 21, 2011, in Honolulu, 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:

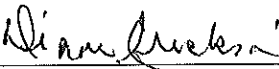
DW's Motion to Reconsider and to Defer Entry of Final Findings of Fact, Conclusions of Law, Decision and Order be and is HEREBY DENIED.

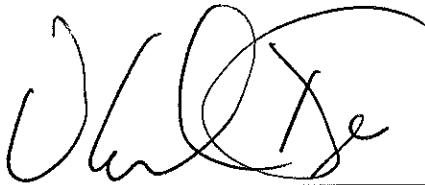
DATED: Honolulu, Hawai'i, this 4th day of May, 2011, per motion on April 21, 2011.

LAND USE COMMISSION

APPROVED AS TO FORM

STATE OF HAWAII

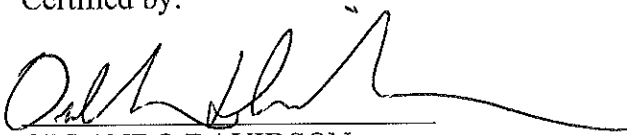
  
Deputy Attorney General

By   
VLADIMIR PAUL DEVENS  
Chairperson and Commissioner

Filed and effective on:

5/5/2011

Certified by:

  
ORLANDO DAVIDSON  
Executive Officer

DOCKET NO. A87-617 BRIDGE 'ĀINA LE'A, LLC and  
D.W. 'ĀINA LE'A DEVELOPMENT, LLC  
ORDER DENYING D.W. 'ĀINA LE'A DEVELOPMENT, LLC 'S MOTION TO RECONSIDER AND TO DEFER ENTRY  
OF FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER



BEFORE THE LAND USE COMMISSION

STATE OF HAWAII

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 )  
 )  
 To Amend the Agricultural Land Use )  
 District Boundary into the Urban Land )  
 Use District for Approximately 1,060 )  
 Acres of Land Situated at Waikoloa, )  
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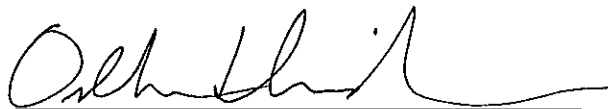
CERTIFICATE OF SERVICE

I hereby certify that a copy of the ORDER DENYING DW `ĀINA LE`A DEVELOPMENT, LLC'S MOTION TO RECONSIDER AND TO DEFER ENTRY OF FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER 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	

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

Dated Honolulu, Hawai'i, May 5, 2011.



ORLANDO DAVIDSON