



BEFORE THE LAND USE COMMISSION

STATE OF HAWAI'I

In the matter of the Petition of	)	Docket No. A87-617
)	
BRIDGE ANA LE'A, LLC fka	)	ORDER TAKING UNDER ADVISEMENT
Puako Hawai'i Properties	)	DW AINA LE'A DEVELOPMENT,
	)	LLC'S MOTION TO BE CO-
	)	PETITIONER OR IN THE
To Amend the Agricultural Land Use	)	ALTERNATIVE TO BE GIVEN PARTY
District Boundary into the Urban Land	)	STATUS OR TO INTERVENE; ORDER
Use District for Approximately 1,060	)	STAYING ENTRY OF DECISION AND
Acres of Land Situated at Waikoloa,	)	ORDER MADE ON APRIL 30, 2009;
South Kohala, Island, County and	)	AND ORDER DIRECTING EXECUTIVE
State of Hawaii, Tax Map Key Nos.6-8-001:	)	OFFICER TO SCHEDULE A HEARING
portion of 25, portion of 36, portion of 37,	)	LIMITED TO ONE DAY FOR RECEIPT
portion of 38, portion of 40	)	OF FURTHER EVIDENCE RELATIVE
	)	TO THE ORDER TO SHOW CAUSE
)	
)	
)	

ORDER TAKING UNDER ADVISEMENT DW AINA
LE'A DEVELOPMENT, LLC'S MOTION TO BE CO-PETITIONER
OR IN THE ALTERNATIVE TO BE GIVEN PARTY STATUS OR
TO INTERVENE; ORDER STAYING ENTRY OF DECISION AND
ORDER MADE APRIL 30, 2009; AND ORDER DIRECTING
EXECUTIVE OFFICER TO SCHEDULE A HEARING LIMITED TO
ONE DAY FOR RECEIPT OF FURTHER EVIDENCE RELATIVE TO THE
ORDER TO SHOW CAUSE

On April 30, 2009, the Commission held a hearing on an Order to Show Cause as to why the subject property should not be reverted to its former Agricultural designation. On May 20, 2009, the Commission received from Petitioner a Notice of Appearance of the law firm of Bays, Deaver, Lung, Rose & Holma, as co-counsel for Petitioner. On May 21, 2009 the Commission

received from attorneys Nakamoto, Okamoto, & Yamamoto, attorneys for DW Aina Le'a Development, LLC, a petition to be co-petitioner with Bridge Aina Le'a, LLC or in the alternative to be given party status or to intervene. On May 28, 2009, the Commission received from DW Aina Le'a Development, LLC, a motion to stay entry of decision and order on the LUC's action of April 30, 2009.

Following a hearing on these matters on June 5, 2009, and after careful consideration of the arguments made and the records and file in the docket, the following motion was duly made and adopted by a vote of six ayes to one no.

1. To take under advisement DW Aina Le'a Development, LLC's motion to be co-petitioner or in the alternative to be given party status or to intervene.
2. To stay entry of the Commission's decision and order made April 30, 2009.
3. To schedule a hearing limited to one day for receipt of further evidence relative to the Order to Show Cause.

So ordered.

DATED: August 27, 2009, Waikoloa, Hawai'i.

LAND USE COMMISSION

ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 27th day of August, 2009. This ORDER may be executed in counterparts. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Waikoloa, Hawai'i, this 27th day of August, 2009, per motion on June 5, 2009.

LAND USE COMMISSION

STATE OF HAWAII

APPROVED AS TO FORM

Aiane Chabrier

Deputy Attorney General

By *[Signature]*
DUANE KANUHA
Chairperson and Commissioner

By *[Signature]*
RANSOM PILTZ
Vice-Chairperson and Commissioner

By *[Signature]*
VLADIMIR PAUL DEVENS
Vice-Chairperson and Commissioner

By *[Signature]*
KYLE CHOCK
Commissioner

By *[Signature]*
THOMAS CONTRADES
Commissioner

By *[Signature]*
LISA JUDGE
Commissioner

By *[Signature]*
NORMAND LEZY
Commissioner

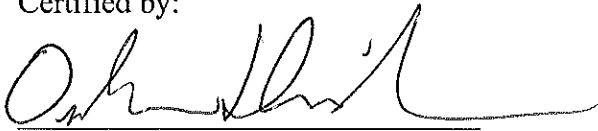
By ABSENT
NICHOLAS W. TEVES, JR.
Commissioner

Filed and effective on:

August 27, 2009

By ABSENT
REUBEN S.F. WONG
Commissioner

Certified by:



ORLANDO DAVIDSON
Executive Officer



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Prehearing 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:

DEL. Abbey Seth Mayer, Director
 Office of Planning
 P. O. Box 2359
 Honolulu, Hawaii 96804-2359

Bryan Yee, Esq.
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Bobby Jean Leithead-Todd, Director
County of Hawaii, Planning Department
Aupuni Center
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Hilo, Hawaii 96720

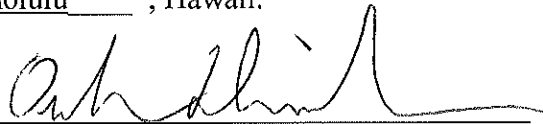
Lincoln Ashida, Esq.
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County of Hawaii
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CERT.

Alan M. Okamoto, Esq.
Nakamoto, Okamoto & Yamamoto
187 Kapiolani Street
Hilo, Hawaii 96720

Michael C. Carroll, Esq.
Bruce D. Voss, Esq.
Bays Deaver Lung Rose & Holma
Alii Place, 16th Floor
1099 Alakea Street
Honolulu, Hawaii 96813

Dated: September 1, 2009 , Honolulu , Hawaii.

A handwritten signature in black ink, appearing to read "Orlando Davidson", written over a horizontal line.

Orlando Davidson, Executive Officer



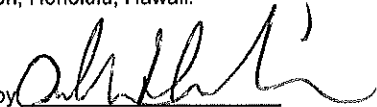
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This is to certify that this is a true and correct
copy of the document on file in the office of the
State Land Use Commission, Honolulu, Hawaii.

September 1, 2009

by 
Executive Officer

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