

1ST CIRCUIT COURT
STATE OF HAWAII
FILED

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Land Use Commission

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF
HONOLULU,

Appellant,

vs.

LAND USE COMMISSION, STATE OF
HAWAII; COLLEEN HANABUSA, MAILE
SHIMABUKURO, AND KO OLINA
COMMUNITY ASSOCIATION,

Appellees.

) CIVIL NO. 09-1-2719-11
) (Agency Appeal)

) ORDER AFFIRMING LAND USE
) COMMISSION'S ORDER ADOPTING
) THE CITY AND COUNTY OF
) HONOLULU PLANNING
) COMMISSION'S FINDINGS OF FACT,
) CONCLUSIONS OF LAW, AND
) DECISION AND ORDER DATED
) OCTOBER 22, 2009 WITH
) MODIFICATIONS

) Date: July 14, 2010
) Judge: Hon. Rhonda A. Nishimura

ORDER AFFIRMING LAND USE COMMISSION'S ORDER ADOPTING
THE CITY AND COUNTY OF HONOLULU PLANNING COMMISSION'S
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND
ORDER DATED OCTOBER 22, 2009 WITH MODIFICATIONS

On July 14, 2010, the appeal of DEPARTMENT OF ENVIRONMENTAL SERVICES,
CITY AND COUNTY OF HONOLULU, from the above-referenced Order of Appellee, State of

EXHIBIT K20

EXHIBIT N

Hawai'i, Land Use Commission, came on for hearing before the Honorable Rhonda A. Nishimura. Gary Y. Takeuchi and Jesse Souki, Deputy Corporation Counsel, appeared on behalf of DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU, Colleen Hanabusa, Esq. appeared on behalf of KO OLINA COMMUNITY ASSOCIATION, COLLEEN HANABUSA and MAILE SHIMABUKURO, and Deputy Attorney General Russell A. Suzuki appeared on behalf of the State of Hawai'i, Land Use Commission. The Court having reviewed and considered the briefs, oral arguments and the files herein, being fully advised in the premises, and good cause appearing therefor,

HEREBY ORDERS, ADJUDGES AND DECREES that:

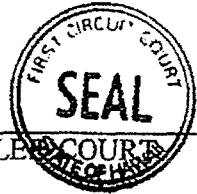
1. The Department of Environmental Services, City and County of Honolulu, is an "aggrieved person" within the meaning of Hawai'i Revised Statutes section 91-14(a), and the Court will apply the standards set forth in Hawai'i Revised Statutes section 91-14.
2. Condition No. 14 of the Land Use Commission's Order Adopting The City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated October 22, 2009 is AFFIRMED.
3. Condition No. 15 and Condition No. 16 of the Land Use Commission's Order Adopting The City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated October 22, 2009 are modified to delete references to the Honolulu City Council and the city administration and substitute the same with the Department of Environmental Services, City and County of Honolulu.
4. In all other respects the Land Use Commission's Order Adopting The City and County of Honolulu Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order Dated October 22, 2009 is AFFIRMED.

EXHIBIT K20

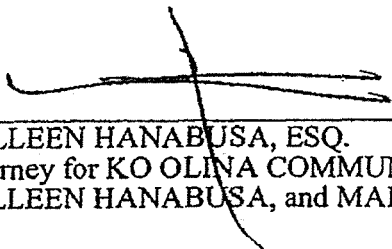
DATED: Honolulu, Hawai'i, SEP 20 2010

RHONDA A. NISHIMURA

JUDGE OF THE ABOVE-ENTITLED COURT



APPROVED AS TO FORM:



COLLEEN HANABUSA, ESQ.
Attorney for KO OLINA COMMUNITY ASSOCIATION,
COLLEEN HANABUSA, and MAILE SHIMABUKURO

APPROVED AS TO FORM:



GARY Y. TAKEUCHI, ESQ.
JESSE SOUKI, ESQ.
Deputy Corporation Counsel
Attorneys for DEPARTMENT OF ENVIRONMENTAL
SERVICES, CITY AND COUNTY OF HONOLULU

DEPARTMENT OF ENVIRONMENTAL SERVICES vs. LAND USE COMMISSION, STATE OF HAWAII; COLLEEN HANABUSA, MAILE SHIMABUKURO, AND KO OLINA COMMUNITY ASSOCIATION, CIVIL NO. 09-1-2719-11, ORDER AFFIRMING LAND USE COMMISSION'S ORDER ADOPTING THE CITY AND COUNTY OF HONOLULU PLANNING COMMISSION'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER DATED OCTOBER 22, 2009 WITH MODIFICATIONS

EXHIBIT K20