

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of:

MOANA CORPORATION

To Amend the Agricultural Land Use District  
Boundary into the Urban Land Use District  
for Approximately 457.54 acres of situated at  
Po'ipū, Island of Kaua'i, State of Hawai'i,  
Tax Map Key Nos. 2-8-14: 05, 07,08, 09  
(por.), 20, 21, 26-36; 2-8-15: 77; and, 2-8-29:  
1- 94.

)  
) DOCKET NO. A76-418  
)  
) ORDER GRANTING KIAHUNA  
) MAUKA PARTNERS, LLC'S  
) REQUEST TO WITHDRAW  
) KIAHUNA MAUKA PARTNERS,  
) LLC'S MOTION TO DELETE  
) CONDITION NOS. 5, AND 7  
) THROUGH 22 OF DECISION AND  
) ORDER, FILED HEREIN ON  
) JANUARY 13, 2014; AND  
) CERTIFICATE OF SERVICE  
)

ORDER GRANTING KIAHUNA MAUKA PARTNERS, LLC'S REQUEST TO WITHDRAW  
KIAHUNA MAUKA PARTNERS, LLC'S MOTION TO DELETE CONDITION NOS. 5, AND  
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2014 JUL 30 P 2:33  
LAND USE COMMISSION  
STATE OF HAWAII

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MOANA CORPORATION	)	
	)	ORDER GRANTING KIAHUNA
To Amend the Agricultural Land Use District	)	MAUKA PARTNERS, LLC'S
Boundary into the Urban Land Use District	)	REQUEST TO WITHDRAW
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Po'ipū, Island of Kaua'i, State of Hawai'i,	)	LLC'S MOTION TO DELETE
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FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

KIAHUNA MAUKA PARTNERS, LLC ("Petitioner"), filed a request to withdraw its motion to delete conditions filed January 13, 2014 ("Motion") on April 8, 2014, pursuant to Section 15-15-70, Hawai'i Administrative Rules ("HAR").

The request to withdraw its motion to delete conditions came before the Land Use Commission of the State of Hawai'i ("Commission"), at its meeting in Honolulu, on May 16, 2014. The Commission, having heard and examined the testimony, evidence and arguments of counsel presented during the hearing, along with the pleadings filed herein, hereby makes the following Findings of Fact, Conclusions of Law and Decision and Order:

## FINDINGS OF FACT

### PROCEDURAL MATTERS

1. On January 13, 2014, Petitioner filed a Motion to Delete Condition Nos. 5, and 7 through 22 of Decision and Order; Memorandum in Support of Motion; List of Exhibits; and Certificate of Service.
2. On January 22, 2014, Petitioner filed a check for motion filing fee and an electronic copy of Petitioner's Motion.
3. On April 4, 2014, the Commission received OP's Response to Kiahuna Mauka Partners, LLC's Motion to Delete Conditions.
4. On April 8, 2014, the Commission received Petitioner's Request to Withdraw Motion to Delete Condition Nos. 5, and 7 through 22 of Decision and Order, Filed Herein on January 13, 2014.
5. On May 7, 2014, the Commission mailed notice and agenda for its May 16, 2014, meeting to the Parties, and the Statewide, O`ahu and Kaua`i mailing lists.
6. On May 12, 2014, the Commission received notice from attorney Walton Hong (Kiahuna Mauka Partners, LLC) that Petitioner would not be present at the May 16, 2014 hearing.
7. On May 15, 2014, the Commission received notice from Kaua`i County that it would not be represented at the May 16, 2014 hearing.
8. On May 16, 2014, the Commission held an action meeting in Honolulu, O`ahu on the Petitioner's request. There was no public testimony. Bryan Yee, Esq., Deputy Attorney General, and Rodney Funakoshi appeared on behalf of the State Office of Planning ("OP") and indicated no objection to Petitioner's request to withdraw its motion. There was no discussion.

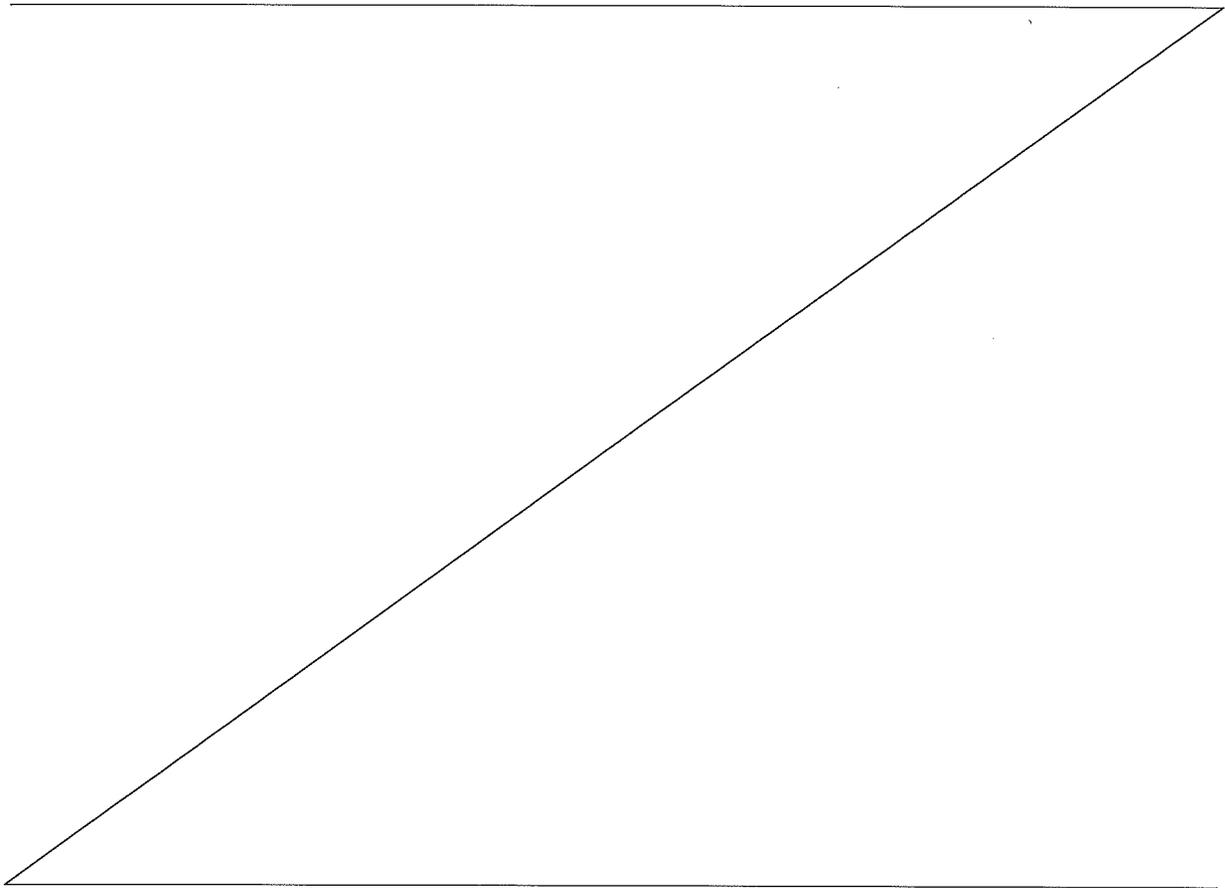
Thereafter a motion was made and seconded to grant Petitioner's request to withdraw its motion.

The motion received six aye votes, with one recused, and therefore passed.

DECISION AND ORDER

IT IS HEREBY ORDERED that Petitioner's Request to Withdraw its Motion to Delete Conditions Nos. 5, and 7 through 22 of Decision and Order filed January 13, 2014 is granted.

IT IS FURTHER ORDERED that the Petition Area continues to be subject to all conditions contained within the original Decision and Order dated July 11, 1977 as modified by any subsequent amendments.



ADOPTION OF ORDER

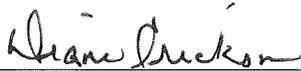
This ORDER shall take effect upon the date this ORDER is certified by this Commission.

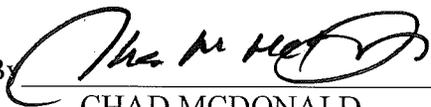
Done at Honolulu, Hawai'i, this 30th, day of July, 2014, per motion on May 16, 2014.

LAND USE COMMISSION

APPROVED AS TO FORM

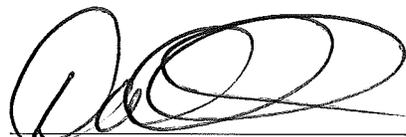
STATE OF HAWAI'I

  
Deputy Attorney General

By   
CHAD MCDONALD  
Acting Chairperson

FILED AND EFFECTIVE ON:

7/30/2014, 2014.

Certified by:   
DANIEL ORODENKER  
Executive Officer  
State Land Use Commission



	<b>HAND DELIVERED</b>	<b>REGULAR MAIL</b>	<b>CERTIFIED MAIL</b>
Michael A. Dahilig, Director Department of Planning County of Kaua`i 4444 Rice Street, Suite A473 Līhu`e, HI 96766		X	
Ian Jung, Esq. Office of the County Attorney County of Kaua`i 4444 Rice Street, Suite 220 Līhu`e, HI 96766			X
Teresa Tico, Esq. P.O. Box 1682 Hilo, HI 97720 Attorney for Intervenors Walther Chang, et.al.			X
Michael Tom, Esq. Tom Petrus & Miller, LLC 1164 Bishop Street, Suite 650 Honolulu, HI 96813 Attorney for Eric Knudsen Trust			X

Dated: Honolulu, Hawai`i, July 30, 2014



DANIEL ORODENKER  
Executive Officer