

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAI'I

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 Land Situated at )  
Poipu, Island of Kauai, State of )  
Hawai'i, TMK: 2-8-14: 05, 07, 08, )  
por. 19, 20, 21, 26-36; 2-8-15: 77; )  
2-8-29: 1-94 )

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DOCKET NO. A76-418  
ORDER DENYING THE COUNTY  
OF KAUAI'S MOTION FOR  
MODIFICATION OF  
CONDITIONS

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.

OCT 16 1995 by *[Signature]*  
Date Executive Officer

ORDER DENYING THE COUNTY OF KAUAI'S  
MOTION FOR MODIFICATION OF CONDITIONS

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MOANA CORPORATION	)	ORDER DENYING THE COUNTY
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To Amend the Agricultural Land Use	)	MODIFICATION OF
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ORDER DENYING THE COUNTY OF KAUAI'S  
MOTION FOR MODIFICATION OF CONDITIONS

On September 21, 1995, the County of Kauai Planning Department, through its County Attorney and First Deputy County Attorney, filed the County Of Kauai's Motion For Modification Of Conditions ("Motion") pursuant to sections 15-15-70 and 15-15-94, Hawai'i Administrative Rules.

Said Motion requested the Land Use Commission ("Commission") to modify the conditions imposed in this docket to address changes that have occurred between the date of the Commission's original July 7, 1977 Decision and Order for this docket and today.

On October 3, 1995, First Hawaiian Bank, a Hawai'i corporation, as Trustee of the Eric A. Knudsen Trust, and Hawaiian Trust Company, Limited, as Trustee of the Augustus F. Knudsen Trust (collectively "Knudsen Trust") filed Movant's

Memorandum In Opposition To County of Kauai's Motion For Modification Of Conditions Filed September 21, 1995.

Also on October 3, 1995, Sports Shinko (Kauai) Co., Ltd. filed Sports Shinko's Memorandum In Opposition To County Of Kauai's Motion For Modification Of Conditions And The Office Of State Planning's Motion To Propose Modifications, Deletions, And/Or Additional Conditions To The Conditions Imposed By The Land Use Commission.

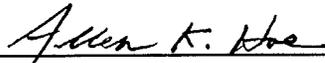
The Motion, came on for hearing before the Commission on October 3, 1995 at Lihue, Kauai. Jonathan Chun, Esq., First Deputy County Attorney, appeared on behalf of the County of Kauai Planning Department, Roy A. Vitousek, III, Esq. and Grace Nihei Kido, Esq. appeared on behalf of the Knudsen Trust, D. Scott MacKinnon, Esq. appeared on behalf of Sports Shinko (Kauai) Co., Ltd., and Ann Ogata Deal, Esq., Deputy Attorney General, appeared on behalf of the Office of State Planning.

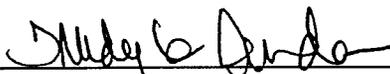
The Commission, having considered the arguments of the County of Kauai Planning Department and the other parties on the Motion, and having considered the records and files in this proceeding, and good cause appearing therefrom;

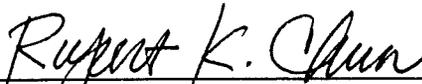
NOW HEREBY ORDERS that the Motion filed by the County of Kauai Planning Department is DENIED.

Done at Honolulu, Hawaii, this 16th day of October 1995,  
per motion on October 3, 1995.

LAND USE COMMISSION  
STATE OF HAWAII

By   
ALLEN K. HOE  
Chairperson and Commissioner

By   
TRUDY K. SENDA  
Vice Chairperson and Commissioner

By   
RUPERT K. CHUN  
Commissioner

By (absent)  
M. CASEY JARMAN  
Commissioner

By   
LLOYD F. KAWAKAMI  
Commissioner

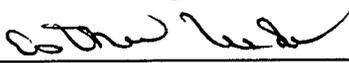
By   
MERLE A. K. KELAI  
Commissioner

By (absent)  
EUSEBIO LAPENIA, JR.  
Commissioner

By   
JOANN N. MATTSON  
Commissioner

Filed and effective on  
October 16, 1995

Certified by:

  
Executive Officer

By   
ELTON WADA  
Commissioner

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying the County of Kauai's Motion for Modification of Conditions was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

GREGORY G.Y. PAI, PH.D., Director  
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Honolulu, Hawaii 96811-3540

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Lihue, Hawaii 96766

CERT. HARTWELL H.K. BLAKE, ESQ.  
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Office of the County Attorney  
County of Kauai  
4396 Rice Street, #202  
Lihue, Hawaii 96766

CERT. D. SCOTT MACKINNON, ESQ., Attorney for Sports Shinko  
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CERT. GRACE NIHEI KIDO, ESQ., Attorney for Knudsen Trusts  
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CERT. TERESA TICO, ESQ., Attorney for Intervenor  
Attorney at Law  
P. O. Box 449  
Kilauea, Hawaii 96754

CERT. KAUAI ELECTRIC COMPANY, LIMITED  
4392 Waialo Road  
Eleele, Hawaii 96705

DATED: Honolulu, Hawaii, this 16th day of October 1995.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer