

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)

DOCKET NO. A76-418
ORDER DENYING THE OFFICE
OF STATE PLANNING'S
MOTION TO PROPOSE
MODIFICATIONS,
DELETIONS, AND/OR
ADDITIONAL CONDITIONS TO
THE CONDITIONS IMPOSED
BY THE LAND USE
COMMISSION

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 OFFICE OF STATE PLANNING'S MOTION
TO PROPOSE MODIFICATIONS, DELETIONS, AND/OR ADDITIONAL
CONDITIONS TO THE CONDITIONS IMPOSED BY THE LAND USE COMMISSION

OCT 16 1995
1450 01100
1450 01100
1450 01100

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

In the Matter of the Petition of)	DOCKET NO. A76-418
MOANA CORPORATION)	
To Amend the Agricultural Land Use)	ORDER DENYING THE OFFICE
District Boundary into the Urban)	OF STATE PLANNING'S
Land Use District for Approximately)	MOTION TO PROPOSE
457.54 Acres of Land Situated at)	MODIFICATIONS,
Poipu, Island of Kauai, State of)	DELETIONS, AND/OR
Hawai'i, TMK: 2-8-14: 05, 07, 08,)	ADDITIONAL CONDITIONS TO
por. 19, 20, 21, 26-36; 2-8-15: 77;)	THE CONDITIONS IMPOSED
2-8-29: 1-94)	BY THE LAND USE
_____)	COMMISSION

ORDER DENYING THE OFFICE OF STATE PLANNING'S MOTION
TO PROPOSE MODIFICATIONS, DELETIONS, AND/OR ADDITIONAL
CONDITIONS TO THE CONDITIONS IMPOSED BY THE LAND USE COMMISSION

On September 26, 1995, the Office of State Planning filed its Motion To Propose Modifications, Deletions, And/Or Additional Conditions To The Conditions Imposed By The Land Use Commission ("Motion").

Said Motion requested the Land Use Commission ("Commission") to modify Condition No. 7, relating to historic, archeological, and biological resources on the petition area. Further, the Motion recommended that the Commission add conditions relating to erosion control, school facilities, wastewater treatment, traffic impacts, civil defense, agricultural activities, drainage improvements, solid waste management, golf course development, water supply, stream buffer and channelization, and water supply.

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 The Office of State Planning's Motion To Propose Modifications, Deletions And/Or Additional Conditions To The Conditions Imposed By The Land Use Commission (Filed on September 26, 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. Ann Ogata Deal, Esq., Deputy Attorney General, appeared on behalf of the Office of State Planning, 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 Jonathan Chun, Esq., First Deputy County Attorney, appeared on behalf of the County of Kauai Planning Department.

The Commission, having considered the arguments of the Office of State Planning 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 Office of State Planning is DENIED.

DOCKET NO. A76-418 - MOANA CORPORATION

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
ALLEN K. HOE
Chairperson and Commissioner

By Trudy K. Senda
TRUDY K. SENDA
Vice Chairperson and Commissioner

By Rupert K. Chun
RUPERT K. CHUN
Commissioner

By (absent)
M. CASEY JARMAN
Commissioner

By Lloyd F. Kawakami
LLOYD F. KAWAKAMI
Commissioner

By Merle A. K. Kelai
MERLE A. K. KELAI
Commissioner

By (absent)
EUSEBIO LAPENIA, JR.
Commissioner

Filed and effective on
October 16, 1995

Certified by:

Elton Wada
Executive Officer

By Joann N. Mattson
JOANN N. MATTSON
Commissioner

By Elton Wada
ELTON WADA
Commissioner

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

In the Matter of the Petition of) DOCKET NO. A76-418
MOANA CORPORATION) CERTIFICATE OF SERVICE
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)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Denying the Office of State Planning's Motion to Propose Modifications, Deletions, and/or Additional Conditions to the Conditions Imposed by the Land Use Commission 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
Office of State Planning
P. O. Box 3540
Honolulu, Hawaii 96811-3540

CERT. DEE CROWELL, Planning Director
Planning Department, County of Kauai
Suite 473, Building A
4444 Rice Street
Lihue, Hawaii 96766

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

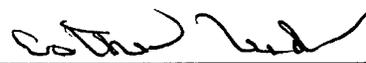
CERT. D. SCOTT MACKINNON, ESQ., Attorney for Sports Shinko
McCorriston Miho Miller Mukai
Five Waterfront Plaza, Suite 400
500 Ala Moana Boulevard
Honolulu, Hawaii 96813

CERT. GRACE NIHEI KIDO, ESQ., Attorney for Knudsen Trusts
Cades Schutte Fleming & Wright
P. O. Box 939
Honolulu, Hawaii 96808-0939

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