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 COUNTY
District Boundary into the Urban OF KAUAI’S MOTION FOR
Land Use District for Approximately MODIFICATION OF
457.54 Acres of Land Situated at CONDITIONS
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

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 1 1995 by Executive Officer

ORDER DENYING THE COUNTY OF KAUAI’S MOTION FOR MODIFICATION OF CONDITIONS
ORDER DENYING THE COUNTY OF KAUA'I'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, Hawaii'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 Hawaii'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
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

Filed and effective on October 16, 1995

Certified by: ____________________
Executive Officer

By ____________________
JOANN N. MATTHEW
Commissioner

By ____________________
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 )
Hawaii, 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 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
Office of State Planning
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Honolulu, Hawaii 96811-3540

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

HARTWELL H.K. BLAKE, ESQ.
County Attorney

CERT. Office of the County Attorney
County of Kauai
4396 Rice Street, #202
Lihue, Hawaii 96766

D. SCOTT MACKINNON, ESQ., Attorney for Sports Shinko
McCorriston Miho Miller Mukai

CERT. Five Waterfront Plaza, Suite 400
500 Ala Moana Boulevard
Honolulu, Hawaii 96813
GRACE NIHEI KIDO, ESQ., Attorney for Knudsen Trusts
Cades Schutte Fleming & Wright
P. O. Box 939
Honolulu, Hawaii 96808-0939

TERESA TICO, ESQ., Attorney for Intervenor
CERT.
Attorney at Law
P. O. Box 449
Kilauea, Hawaii 96754

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

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

[Signature]
ESTHER UEDA
Executive Officer