

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 GRANTING IN PART
MOVANT KNUDSEN'S MOTION
TO CONFIRM SATISFACTION
OF AND TO PARTIALLY
DELETE OR MODIFY
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 
Date Executive Officer

ORDER GRANTING IN PART MOVANT KNUDSEN'S MOTION TO
CONFIRM SATISFACTION OF AND TO PARTIALLY DELETE
OR MODIFY CONDITIONS IMPOSED BY THE LAND USE COMMISSION

OCT 16 9 55 AM '95
STATE LAND USE COMMISSION
HONOLULU, HAWAII

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ORDER GRANTING IN PART MOVANT KNUDSEN'S MOTION TO
CONFIRM SATISFACTION OF AND TO PARTIALLY DELETE
OR MODIFY CONDITIONS IMPOSED BY THE LAND USE COMMISSION

On April 21, 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 (hereinafter collectively "Movant Knudsen") filed a Motion To Confirm Satisfaction Of And To Partially Delete Or Modify Conditions Imposed By The Land Use Commission ("Knudsen Motion").

Movant Knudsen is the fee simple owner of an approximately 97.633 acre portion ("Movant's Property") of the approximately 457.54 acres reclassified from the Agricultural District to the Urban District pursuant to Decision and Order issued on July 7, 1977. The remaining 359.907 acres of land are owned in fee simple by Sports Shinko (Kauai) Co., Ltd. and other various owners. The original petitioner Moana Corporation ("Original Petitioner") no longer has any property interest in

the approximately 457.54 acres reclassified by the Land Use Commission ("Commission").

The Knudsen Motion requests the Commission to:

(1) Confirm the satisfaction in full of Conditions 1, 2, 3, 4, and 6; (2) Confirm that Movant is in compliance with Conditions 5, 7, 8; (3) Confirm that Condition 9 of the Decision and Order issued on July 7, 1977, as amended by Orders issued July 3, 1978 and December 13, 1979, respectively, (collectively, "Decision and Order") has been satisfied by the Original Petitioner except for the requirements to substantially complete 210 additional single-family residential homesites and at least 252 additional multi-family residential units, and to provide reports to the Commission in regards to progress of the development and the Original Petitioner's compliance with conditions imposed;

(4) Delete the remaining requirements of Condition 9 as they concern Movant Knudsen and Movant's Property; and (5) Confirm that the nonperformance of any remaining conditions of the Decision and Order as they concern property within the area reclassified in this docket not owned by Movant Knudsen, will not constitute nonperformance of or noncompliance with the remaining conditions of the Decision and Order as they concern Movant's Property.

The Knudsen Motion also provided a modification to Condition 9 for the Commission's consideration in the event that the Commission declined to delete the remaining requirements of Condition 9. Furthermore, Movant Knudsen requests confirmation of: (1) the completion of 90 single family residential

homesites, 48 multi-family residential units, an appropriate portion of the convenience commercial complex, recreational and other amenities planned for the approved area, and on-site and off-site improvements; and (2) Provide Movant Knudsen or any subsequent owner of the Movant's Property to substantially complete within five years from the effective date of the amendments, fifty-six (56) single-family residential homesites (either on-site or off-site of the approved area) and report to the Commission annually on the progress of the development and its compliance with the conditions as they relate to Movant's Property, in the event that the Commission considers the modification to Condition 9.

The Knudsen Motion, came on for hearing before the Commission on September 14, 1995 at Lihue, Kauai. Roy A. Vitousek, III, Esq. and Grace Nihei Kido, Esq. appeared on behalf of Movant Knudsen, D. Scott MacKinnon, Esq. appeared on behalf of Sports Shinko (Kauai) Co., Ltd., Jonathan Chun, Esq., Deputy County Attorney, appeared on behalf of the County of Kauai Planning Department, and Ann Ogata Deal, Esq., Deputy Attorney General, appeared on behalf of the Office of State Planning.

The Commission, having considered the arguments of Movant Knudsen and the other parties concerning the Knudsen Motion, and having considered the records and files in this proceeding, and good cause appearing therefrom;


NOW HEREBY ORDERS that the Knudsen Motion is GRANTED, in part, by confirming that Conditions 1, 2, 3, 4, and 6 of the Decision and Order issued July 7, 1977 and subsequently amended

by Orders issued July 3, 1978, and December 13, 1979, have been satisfied.

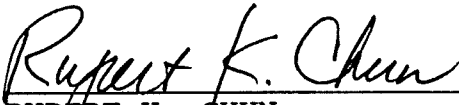
IT IS FURTHER ORDERED that the remaining requests made in the Knudsen Motion are hereby DENIED.


Done at Honolulu, Hawaii, this 16th day of October 1995,
per motion on September 14, 1995.

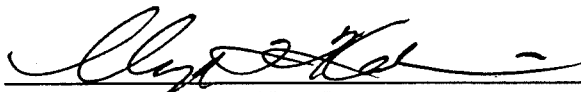
LAND USE COMMISSION
STATE OF HAWAII

By 
ALLEN K. HOE
Chairperson and Commissioner

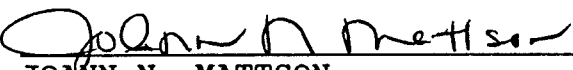
By (absent)
EUSEBIO LAPENIA, JR.
Vice Chairperson and Commissioner

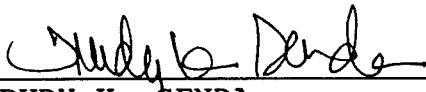
By 
RUPERT K. CHUN
Commissioner

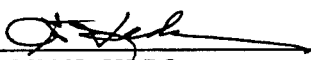
By 
M. CASEY JARMAN
Commissioner

By 
LLOYD F. KAWAKAMI
Commissioner

By 
MERLE A. K. KELAI
Commissioner

By 
JOANN N. MATTSON
Commissioner

By 
TRUDY K. SENDA
Commissioner

By 
ELTON WADA
Commissioner

Filed and effective on
October 16, 1995

Certified by:


Executive Officer

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)
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Hawai'i, TMK: 2-8-14: 05, 07, 08,)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting In Part Movant Knudsen's Motion to Confirm Satisfaction of and to Partially Delete or Modify 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:

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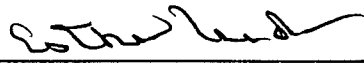
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DATED: Honolulu, Hawaii, this 16th day of October 1995.



ESTHER UEDA
Executive Officer