

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 SPORTS SHINKO'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 *Astrid*  
Date Executive Officer

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

OCT 16 1995  
10:00 AM  
RECEIVED  
STATE LAND USE COMMISSION  
HONOLULU, HAWAII

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TO CONFIRM SATISFACTION OF AND TO PARTIALLY DELETE  
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On May 1, 1995, Sports Shinko (Kauai) Co., Ltd., a Hawai'i corporation, ("Movant Sports Shinko") filed a Motion To Confirm Satisfaction Of And To Partially Release Or Waive Conditions Imposed By The Land Use Commission ("Sports Shinko Motion").

Movant Sports Shinko is the fee simple owner of an approximately 321 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 136.540 acres of land are owned in fee simple by Eric A. Knudsen Trust, Augustus F. Knudsen Trust, 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 Sports Shinko Motion requests the Commission to: (1) Confirm the satisfaction in full of Conditions 1, 2, 3, 4, and 6; (2) Confirm that Movant Sports Shinko 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; and (4) Release or waive the remaining requirements of Condition 9.

The Knudsen Motion also provided an amendment 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 Sports Shinko 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) Extend the compliance date for satisfaction of the remaining requirements of Condition 9 to December 31, 2004.

The Sports Shinko Motion, came on for hearing before the Commission on September 14, 1995 at Lihue, Kauai. D. Scott

MacKinnon, Esq. appeared on behalf of Movant Sports Shinko, Roy A. Vitousek, III, Esq. and Grace Nihei Kido, Esq. appeared on behalf of the First Hawaiian Bank, as Trustee of the Eric A. Knudsen Trust, and Hawaiian Trust Company, Limited, as Trustee of the Augustus F. Knudsen Trust, 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 Sports Shinko and the other parties, and having considered the records and files in this proceeding, and good cause appearing therefrom;

NOW HEREBY ORDERS that the Sports Shinko 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 Sports Shinko 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*  
ALLEN K. HOE  
Chairperson and Commissioner

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

By *Rupert K. Chun*  
RUPERT K. CHUN  
Commissioner

By *M. Casey Jarman*  
M. CASEY JARMAN  
Commissioner

By *Lloyd F. Kawakami*  
LLOYD F. KAWAKAMI  
Commissioner

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

By *Joann N. Mattson*  
JOANN N. MATTSO  
Commissioner

By *Trudy K. Senda*  
TRUDY K. SENDA  
Commissioner

By *Elton Wada*  
ELTON WADA  
Commissioner

Filed and effective on  
October 16, 1995

Certified by:

*Esther Lind*  
Executive Officer

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting In Part Movant Sports Shinko'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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Lihue, Hawaii 96766

CERT. HARTWELL H.K. BLAKE, ESQ.  
County Attorney  
Office of the County Attorney  
County of Kauai  
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Lihue, Hawaii 96766

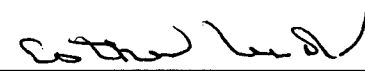
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4392 Waialo Road  
Eleele, Hawaii 96705

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



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ESTHER UEDA  
Executive Officer