

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of ) DOCKET NO. A05-761  
)  
ERIC A. KNUDSEN TRUST ) ORDER GRANTING PETITIONER'S  
) MOTION TO WITHDRAW PETITION  
To Amend The Agricultural Land Use ) WITH PREJUDICE  
District Boundary Into The Urban Land )  
Use District For Approximately 127.490 )  
Acres Of Land At Po'ipū, District Of )  
Koloa, Island And County Of Kaua'i, )  
State Of Hawai'i, Tax Map Keys: 2-8-13: )  
Por. 1; 2-8-14: Por. 1, 2, 3, Por. 4, Por. 19 )  
And Por. Lot 19-B (Hapa Road) )  
)

---

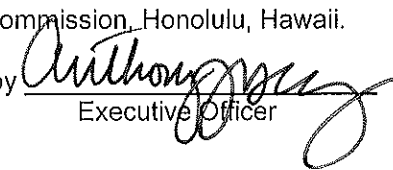
ORDER GRANTING PETITIONER'S MOTION TO  
WITHDRAW PETITION WITH PREJUDICE

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.

AUG - 7 2007

Date

by

  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of ) DOCKET NO. A05-761  
)  
ERIC A. KNUDSEN TRUST ) ORDER GRANTING PETITIONER'S  
) MOTION TO WITHDRAW PETITION  
To Amend The Agricultural Land Use ) WITH PREJUDICE  
District Boundary Into The Urban Land )  
Use District For Approximately 127,490 )  
Acres Of Land At Po`ipū, District Of )  
Koloa, Island And County Of Kaua`i, )  
State Of Hawai`i, Tax Map Keys: 2-8-13: )  
Por. 1; 2-8-14: Por. 1, 2, 3, Por. 4, Por. 19 )  
And Por. Lot 19-B (Hapa Road) )  
\_\_\_\_\_ )

ORDER GRANTING PETITIONER'S MOTION TO  
WITHDRAW PETITION WITH PREJUDICE

On June 13, 2007, the Eric A. Knudsen Trust ("Petitioner") filed a Motion To Withdraw Petition ("Motion"), pursuant to section 15-15-70, Hawai`i Administrative Rules ("HAR"). An Affidavit Of Stacey T. J. Wong, Trustee of Petitioner ("Affidavit"), was attached to the Motion. In the Affidavit, Mr. Wong stated, among other things, that in light of recent and anticipated changes in the market and other economic conditions affecting Kaua`i, he re-examined the feasibility of the proposed development. Mr. Wong concluded that Petitioner's resources could be better utilized for Petitioner's other projects, and consequently instructed Petitioner's counsel to file the Motion.

On July 10, 2007, the State Office of Planning ("OP") filed a Statement Of No Opposition To The Withdrawal Of Petition.

On July 11, 2007, the Land Use Commission ("Commission") received correspondence from Sherry P. Broder, Esq., on behalf of Intervenor Office of Hawaiian Affairs indicating that the Office of Hawaiian Affairs had no position on the Motion and consequently would not be making an appearance at the Commission's hearing on the matter.

On July 12, 2007, the Commission held a meeting in Līhu`e, Hawai`i, on the Motion. Walton D. Y. Hong, Esq., appeared on behalf of Petitioner. James K. Tagupa, Esq., appeared on behalf of the City and County of Kaua`i Planning Department. Abe Mitsuda appeared on behalf of the OP. Kalanikumai Ka Maka `O Na Ali`i Hanohano, Ken Taylor, Terrie Hayes and Cheryl Lovell-Obatake provided public testimony on the Motion.

At the meeting, Petitioner provided a presentation on the Motion. The parties in this proceeding had no objections to the Motion. Following discussion, a motion was made and seconded to grant Petitioner's Motion. There being a vote tally of 6 ayes and 3 absent, the motion carried.

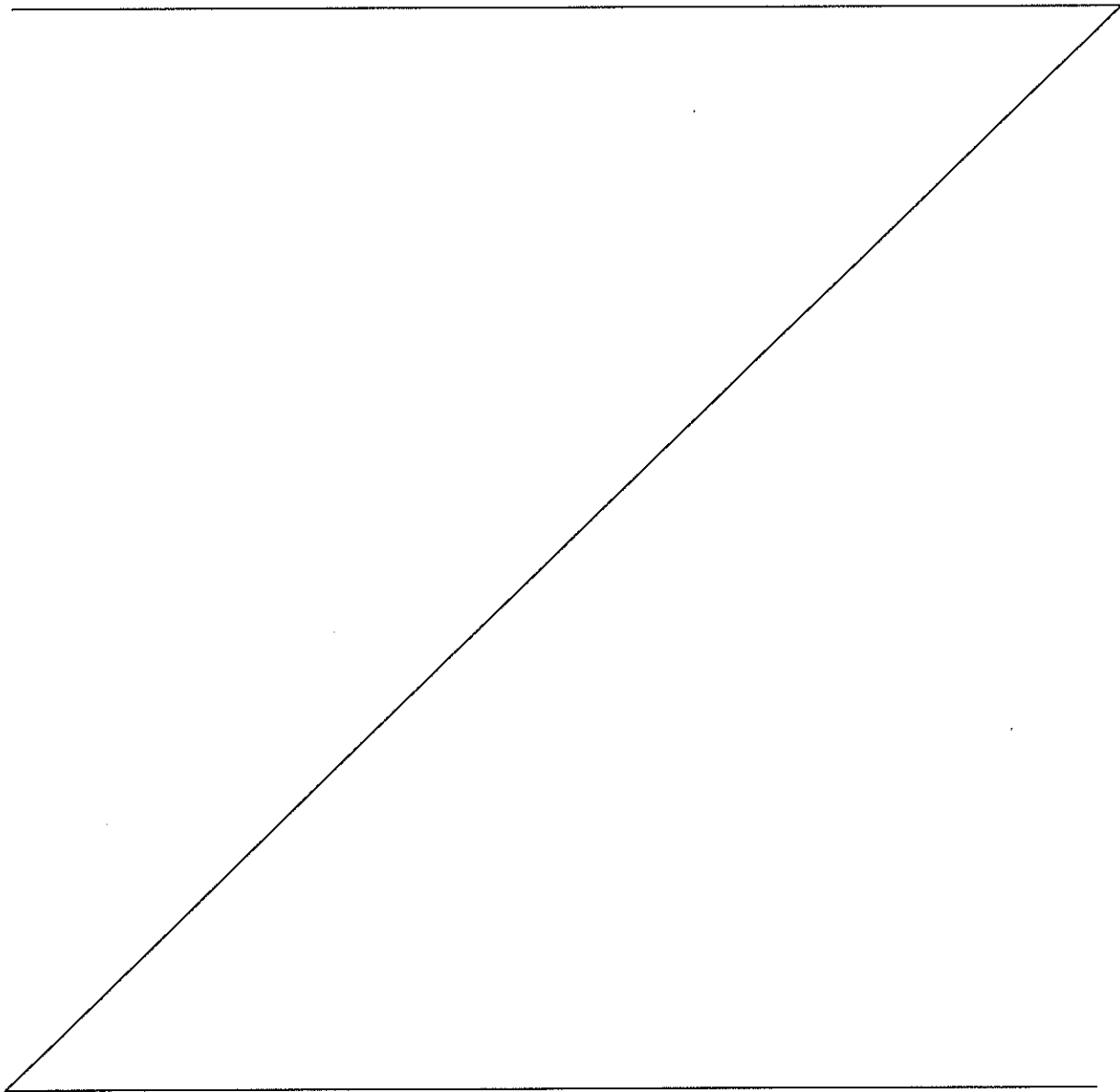
#### ORDER

This Commission, having duly considered Petitioner's Motion, the Affidavit, and there being no objections from the parties in this proceeding, and a motion having been made at its meeting on July 12, 2007, in Līhu`e, Hawai`i, and the

motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Petitioner's Motion be GRANTED with prejudice.

Accordingly, any petition for boundary amendment for the same request involving the same land in the above-entitled docket shall be subject to the provisions of section 15-15-76, HAR.



Done at Honolulu Hawaii, this 7th day of

August, 2007, per motion on July 12, 2007.

APPROVED AS TO FORM

LAND USE COMMISSION  
STATE OF HAWAII

Diane Jackson  
Deputy Attorney General

By Lisa Judge  
LISA JUDGE  
Chair and Commissioner

Filed and effective on

AUG - 7 2007

Certified by:

Anthony J. H. Ching  
ANTHONY J. H. CHING

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In The Matter Of The Petition Of ) DOCKET NO. A05-761  
 )  
 ERIC A. KNUDSEN TRUST ) CERTIFICATE OF SERVICE  
 )  
 To Amend The Agricultural Land Use )  
 District Boundary Into The Urban Land )  
 Use District For Approximately 127.490 )  
 Acres Of Land At Po`ipū, District Of )  
 Koloa, Island And County Of Kaua`i, )  
 State Of Hawai`i, Tax Map Keys: 2-8-13: )  
 Por. 1; 2-8-14: Por. 1, 2, 3, Por. 4, Por. 19 )  
 And Por. Lot 19-B (Hapa Road) )  
 \_\_\_\_\_ )

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Order Granting Petitioner’s Motion To Withdraw Petition With Prejudice was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

DEL: LAURA THIELEN, Director  
 Office of Planning  
 P. O. Box 2359  
 Honolulu, Hawaii 96804-2359

BRYAN YEE, Esq.  
 Deputy Attorney General  
 425 Queen Street  
 Honolulu, Hawaii 96813

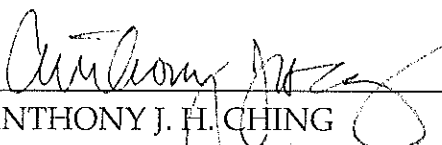
MATTHEW PYUN, Esq.  
 Corporation Counsel  
 County of Kauai  
 4444 Rice Street, Suite 220  
 Lihue, Hawaii 96766

IAN COSTA, Director  
 Department of Planning  
 County of Kauai  
 4444 Rice Street, Suite A473  
 Lihue, Hawaii 96766

CERT: WALTON D. Y. HONG, Esq.  
3135-A Akahi Street  
Lihue, Hawaii 96766

CERT: CLYDE W. NAMU`O, Administrator  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, Hawaii 96813

Dated: Honolulu, Hawaii, AUG - 7 2007.

  
\_\_\_\_\_  
ANTHONY J. H. CHING  
Executive Officer