

LAND USE COMMISSION  
NOTICE OF LAND USE COMMISSION MEETING  
DATE, TIME AND PLACE

November 1, 2007 – 9:00 a.m.

November 2, 2007 – 8:30 a.m.

Leiopapa A Kamehameha  
4th Floor  
Conference Room 405  
235 South Beretania Street  
Honolulu, Hawaii

A G E N D A

I. CALL TO ORDER

II. ADOPTION OF MINUTES

October 4 and 5, 2007

III. TENTATIVE MEETING SCHEDULE

IV. ACTION

1. A06-770 THE SHOPOFF GROUP, L.P. (Hawaii)  
To consider motion to amend The Shopoff Group, L.P.'s Final Environmental Impact Statement for the reclassification of approximately 127.94 acres of land currently in the Agricultural District to the Urban District at North Kona, Hawaii for single-family residential and affordable housing units.
2. A06-763 KAPOLEI PROPERTY DEVELOPMENT, LLC (Oahu)  
Findings of Fact, Conclusions of Law, and Decision and Order
3. SP87-364 KAHILI ADVENTIST SCHOOL (Kauai)  
Status report and action, if necessary.

V. ADOPTION OF FORM OF ORDER

1. A06-763 KAPOLEI PROPERTY DEVELOPMENT, LLC (Oahu)  
Findings of Fact, Conclusions of Law, and Decision and Order

( over )

## VI. EXECUTIVE SESSION – *November 2, 2007*

To consult with legal counsel pursuant to § 92-5(a)(4), HRS, on questions and issues pertaining to the Commission's powers, duties, privileges, immunities and liabilities regarding:

- DR06-32 MARK J. BENNETT AS ATTORNEY GENERAL, STATE OF HAWAII Civil No. 07-1-1715-09 Mark J. Bennett, as Attorney General, State of Hawaii vs. Richard W. Gushman, et al;
- A89-649 LANAI RESORT PARTNERS

## VII. ACTION – *November 2, 2007*

### 1. A89-649 LANAI RESORT PARTNERS

To consider:

- The Office of Planning's Motion to Amend Findings of Fact, Conclusions of Law, and Decision and Order Filed April 16, 1991;
- To consider Castle & Cooke Resorts, LLC's Motion for Modification of Condition No. 10 and Dissolution of 1996 Cease and Desist Order;
- The Office of Planning's Memorandum of Law Regarding the Supreme Court's Remand;
- Intervenors Lanaians For Sensible Growth's Submission On the Question of Whether Modification of Condition Ten of the LUC's 1991 Order Is In Compliance With the Supreme Court's Remand in *Lanai Company Inc., v. Land Use Commission*, 105 Haw. 296 (2004);
- Petitioner Castle & Cooke Resorts, LLC's Memorandum Re: Effect of Granting Motion For Modification of Conditions No. 10 and Dissolution of 1996 Cease and Desist Order Upon Remand Proceedings;
- The County of Maui, Department of Planning's Memorandum of Law Regarding the Scope of the Supreme Court's Remand.

### 2. REVIEW OF STAFF PROPOSED ADMINISTRATIVE RULES

Adoption of staff proposed rules as Commission's proposed rules for purposes of Executive Branch review and scheduling public hearings pursuant to Chapter 91, Hawaii Revised Statutes.