

## **Chapter 5 – Laws, Regulations, Land Use Plans & Policies**

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This chapter discusses laws, regulations, land use plans and policies on the County, State and Federal level in relation to HoKua Place. This chapter will explore the projects potential land use planning effects and its compatibility with existing land uses.

Compliance with existing regulations and requirements and the implementation of the mitigation measures proposed above, will ensure that HoKua Place will not result in a significant impact on current land programs and policies in the area. The implementation of the mitigation measures identified will serve to further reduce any potential impacts the project may have on land use.

Land use impacts that will result from implementing HoKua Place include temporary construction-related impacts, direct impacts associated with use of the area, and indirect impacts resulting from changes in the character and use of the area. Construction activities will be expected to result in short-term impacts on land uses. These impacts include construction noise and dust.

The potential impacts of HoKua Place are evaluated within the framework of compliance with all applicable rules, regulations and requirements for the project type and location.

Overall, since HoKua Place will be consistent with all applicable land use regulation and will not conflict with the applicable land use plans, it will not result in a significant land use planning impact in the State of Hawai'i or on the Island of Kaua'i.

The following sections examine the projects compliance with applicable land use plans and policies.

### **5.1 County of Kaua'i**

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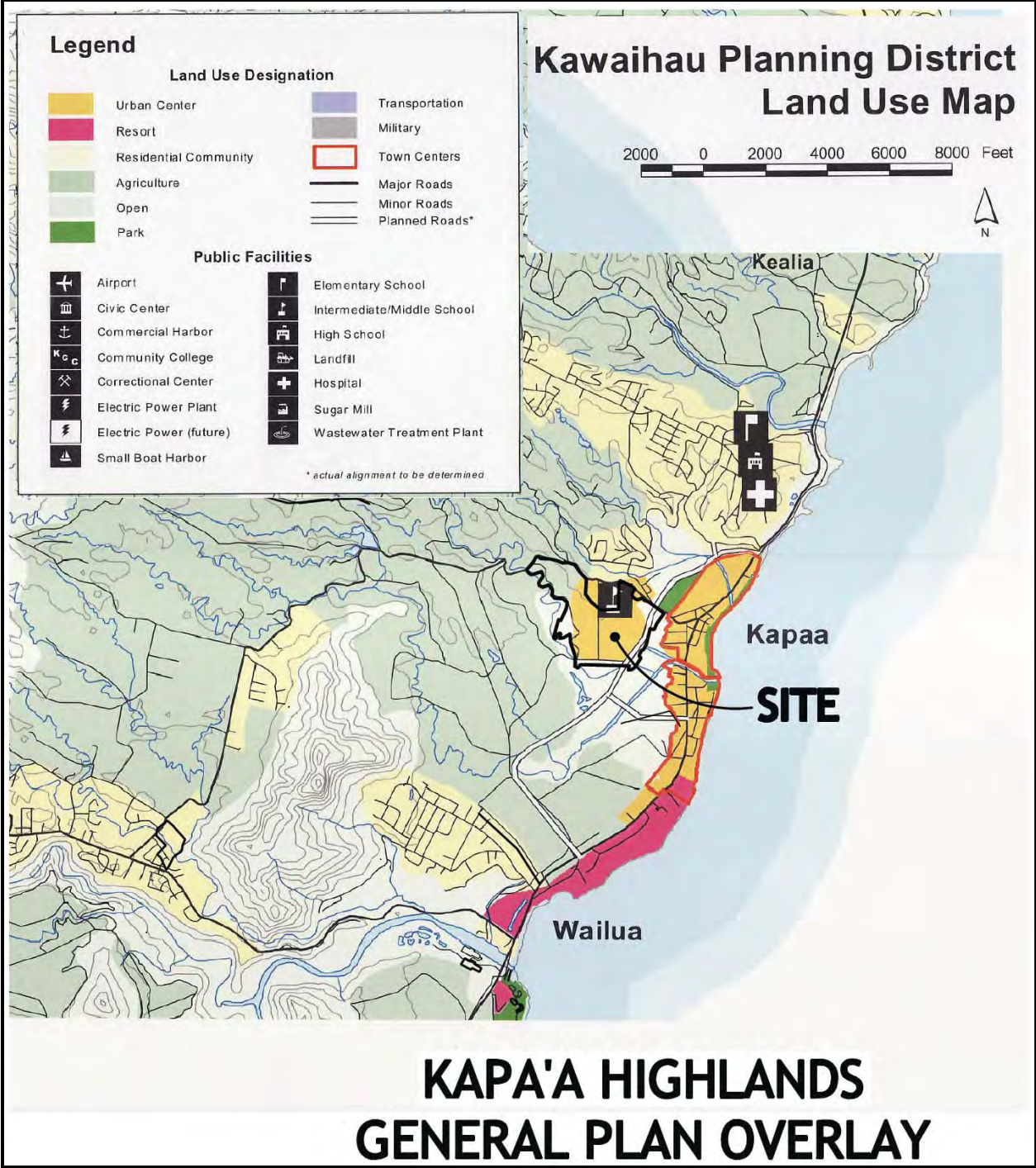
#### **5.1.1 County General Plan**

The General Plan of the County of Kaua'i (General Plan) was adopted in 1971 and updated in November 2000. The General Plan is a statement of the County's vision for Kaua'i and establishes strategies for achieving that vision.

The General Plan is the primary policy directing long range development, conservation, and the use and allocation of land and water resources in the County of Kaua'i. The General Plan establishes, through maps and text, geographic areas of the County which are intended to be used for various general purposes such as agriculture, resorts, urban communities and preservation of natural, cultural and scenic resources.

Section 7-1.2 of the amended Chapter 7 of the Kaua'i County Code states:

“Pursuant to the provision of the Charter for the County of Kaua'i, the General Plan sets forth in graphics and text, policies to govern the future physical development of the county. The General Plan is intended to improve the physical environment of the County and the health, safety and general welfare of Kaua'i's people.”



“The General Plan states the County’s vision for Kaua’i and establishes strategies for achieving that vision. The strategies are expressed in terms of policies and implementing actions. They may be augmented and changed as new strategies are developed.”

“The General Plan is a direction-setting policy document. It is not intended to be regulatory. It is intended to be a guide for future amendments to the lands regulations and to be considered in reviewing specific zoning amendment and development applications.”

“The vision, the maps and text policies, and the implementing actions are intended to guide the county actions and decisions. In addition, the maps and text policies are intended to guide the County in specific types of actions: making revisions to land use and land development Regulations; deciding on zoning changes; preparing and adopting Development Plans and Public Facility Plans; and preparing and adopting capital improvement plans.”

The General Plan contains six major themes, each with various policies for implementation. The major themes are as follows:

1. Caring for Land, Water and Culture
2. Developing Jobs and Businesses
3. Preserving Kaua’i’s Rural Character
4. Enhancing Towns & Communities and Providing for Growth
5. Building Public Facilities and Services
6. Improving Housing, Parks and Schools

In particular, the proposed reclassification of the Property responds and conforms to theme No. 6. Market studies have shown that the population growth and correlating need and demand for housing is extremely high on Kaua’i.

The proposed reclassification, which will allow residents to purchase an affordable house and lot, as well as, allow other residents to purchase a lot to design and build their own homes, will present an opportunity to address the community need for residential housing.

It should also be noted that the proposed development will assist in maintaining a viable economy as construction-related employment opportunities for residents would be generated.

The General Plan states:

“One of the key policies in the Framework for preserving Kaua’i’s rural character is to promote growth and development in compact urban areas. Urban lands comprise only four to five percent of Kaua’i’s land area, leaving 55 percent in conservation and 40 percent in agriculture.”

The General Plan further states that land use policies for preserving Kaua’i’s rural character should,

“Enhance Urban Centers and Towns and maintain their identity by defining the Town Center and the edges of each Town. Concentrate shopping and other commercial uses in Town Centers. Encourage residential development within Urban and Town Centers and in Residential Communities contiguous to them.”

The General Plan also sets policy for urban land use designations. Policy 5.4.1.1 states:

- (c) Lands included within the Urban Center designation shall be centers of government, commerce and transportation that serve the entire county or a large region. Uses may include shopping centers, government offices, churches and other institutions, office complexes, and industrial facilities. Residential or resort uses may also be located within the Urban Center designation, where compatible.
- (d) Urban Center areas are typically served by wastewater collection and treatment facilities and major roads. Urban Center lands may be zoned for any type of use, including General Commercial, General Industrial, Resort and Residential.

The Kaua'i General Plan includes a Land Use Map that depicts policy for long-range land uses with the following map designations: Urban Center, Resort, Residential Community, Agriculture, Open, Park, Transportation, Military.

The following are policies to provide for growth and development while preserving rural character, as described in the Kaua'i General Plan:

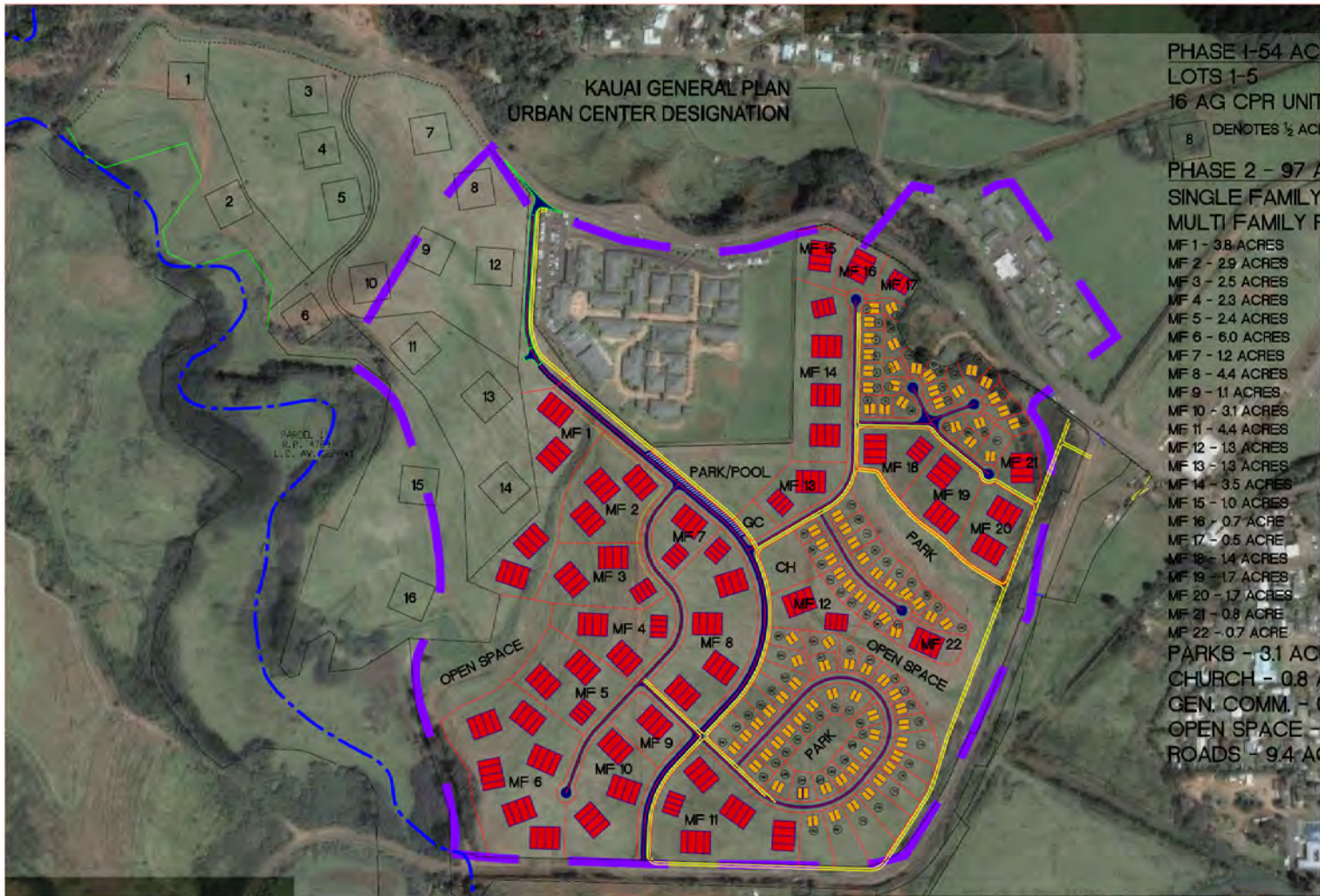
- (c) Allow incremental growth of Towns, contiguous to existing development. Concentrate primary shopping facilities within the Town Center. Support infill development.
- (d) Provide for build-out of existing Residential Communities, to include areas zoned R-1 or higher. Allow small, neighborhood-oriented commercial sites in Residential Communities.
- (e) Expansion contiguous to an existing town or residential community is preferred over a new residential community.
- (f) Allow build-out of properties in existing low-density agricultural communities, including the homestead areas of Wailua, Kapa'a, 'Ōma'o and Kalāheo and existing agricultural subdivisions in other parts of the island, while taking measures to assure the adequacy of County road, drainage and water supply systems.

The HoKua Place project conforms to and implements the policies of the Kaua'i General Plan by developing within the designated Urban Center, contiguous to surrounding Kapa'a town and its neighboring residential community, thereby preserving the rural character of the area.

As noted in the "Kawaihau Planning District Land Use Map" included in the Kaua'i General Plan, the subject property has an "Urban Center" land use designation.

The lands surrounding the property to the north is designated as "Residential" and "Urban" by the County General Plan. The Property is contiguous to existing urban lands to the south and across the bypass road. These existing urban lands are zoned urban by the County of Kaua'i.

The HoKua Place project conforms to and implements the policies of the Kaua'i General Plan by developing within the designated Urban District, contiguous to Kapa'a town and its neighboring residential community.



PHASE 1-54 ACRES

LOTS 1-5

16 AG CPR UNITS

8 DENOTES 1/2 ACRE AG HOMESITE

PHASE 2 - 97 ACRES

SINGLE FAMILY R6/R8- 86 UNITS

MULTI FAMILY R14 - 683 UNITS

MF 1 - 3.8 ACRES

MF 2 - 2.9 ACRES

MF 3 - 2.5 ACRES

MF 4 - 2.3 ACRES

MF 5 - 2.4 ACRES

MF 6 - 6.0 ACRES

MF 7 - 12 ACRES

MF 8 - 4.4 ACRES

MF 9 - 1.1 ACRES

MF 10 - 3.1 ACRES

MF 11 - 4.4 ACRES

MF 12 - 13 ACRES

MF 13 - 13 ACRES

MF 14 - 3.5 ACRES

MF 15 - 10 ACRES

MF 16 - 0.7 ACRE

MF 17 - 0.5 ACRE

MF 18 - 14 ACRES

MF 19 - 17 ACRES

MF 20 - 17 ACRES

MF 21 - 0.8 ACRE

MF 22 - 0.7 ACRE

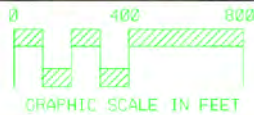
PARKS - 3.1 ACRES

CHURCH - 0.8 ACRE

GEN. COMM. - 0.4 ACRE

OPEN SPACE - 14.3 ACRES

ROADS - 9.4 ACRES



KAPA'A HIGHLANDS  
 SCALE: 1 INCH = 400 FEET  
 CONCEPT PLAN OCTOBER, 2010

### **5.1.2 Kapa'a-Wailua Development Plan**

The Kapa'a-Wailua Development Plan helps provide direction and guidance for future population growth and economic development in the district in a manner that is compatible with the protection and enhancement of community assets and coordinated with the financially prudent development of adequate supporting infrastructure and public facilities

The Main Goal of the Kapa'a-Wailua Development Plan is:

- Implement the Kaua'i General Plan's provision for the updating of the current community development plans; in this particular case, the Kapa'a-Wailua Development Plan.

The Kapa'a-Wailua Development Plan outlines the regional issues and opportunities that will be subjects for future community planning. A "Build-Out Analysis" of the Kapa'a-Wailua Basin was prepared in the General Plan Update.

Based on the General Plan Land Use Map designations, the analysis found that an additional 4,000 units could be developed if the General Plan-designated lands were fully zoned, subdivided and built out. About 2,400 more units could be built in Urban Residential areas, about 500 more in Rural Residential areas and approximately 1,100 more units in the Agricultural areas. This would increase the housing units and population of the area by 85%.

The "Build-Out Analysis" specifically included the subject property as an "expansion area." The new General Plan Land Use Map designates the subject property as Urban Center.

### **5.1.3 Comprehensive Zoning Ordinance**

The purpose of the Comprehensive Zoning Ordinance (CZO) is to provide regulations and standards for land development and the construction of buildings and other structures in the County of Kaua'i. The regulations and standards prescribed in the CZO are intended to regulate development to ensure its compatibility with the overall character of the island.

The project site is zoned agriculture by the County of Kaua'i. However, as described above, the General Plan for Kaua'i and the Kapa'a Town development Plan both designate the property as Urban Center.

An application to the Kaua'i County Planning Commission and the Kaua'i County Council for the appropriate zone change will be filed after the EIS has been accepted.

Kaua'i County Planning Director Michael Dahilig, wrote in a March 4, 2011 regarding HoKua Place (formerly known as Kapa'a Highlands II):

"The proposed area is located adjacent to, and south and east of the existing Kapa'a Middle School. The area is located in the Agriculture Zoning District. From a map and text review of the 2000 General Plan, we note that the area was re-designated from Agricultural to Urban Center and Residential Community. It appears that the 97-acres is located totally within the General Plan Urban Center area."

#### 5.1.4 Kaua'i Economic Development Plan Update

The Kaua'i Economic Development Plan Update is intended to serve as Kaua'i's economic development "road map" for the next 5 years. It is intended to guide all stakeholders who have an influence on Kaua'i's economic future.

##### Economic Development Goals

In response to the critical issues impacting economic development, five goals have been established within the Kaua'i Economic Development Plan Update. Two directly pertain to the HoKua Place development.

1. To assist new and existing businesses create new jobs
  - 1.1 - To provide access to business planning assistance, including market research
  - 1.2 - To assist with permitting, licensing and regulatory issues
  - 1.2 - To facilitate access to start-up and expansion capital
  
4. To promote affordable housing
  - 4.1 - To develop new affordable single- and multi-family housing

##### Housing Vision

The Kaua'i Economic Development Plan Update lists its "Housing Vision" as the following:

- There is a continuum of housing (from homeless shelters, transitional, rental housing, and for-sale multi- and single-family homes) to meet the needs of Kaua'i's residents
- County government funding is used to leverage private and other government funding to create affordable housing
- There are lands zoned with adequate infrastructure for residential development

HoKua Place will respond to varying spectrums of demand for housing within Kaua'i by providing a wide range of housing opportunities inclusive of affordable housing alternatives. HoKua Place will seek to create and sustain a mixed-income community allowing for unparalleled social diversity.

HoKua Place will utilize 97-acres of land for single-family and multi-family residential and commercial purposes. Development of the Property will address a portion of the significant demand for affordable housing in the County of Kaua'i, without significantly affecting reserve areas for foreseeable urban growth.

The Kawaihau Planning District has substantial capacity for additional residential development, as described in Section 6.2.3.1 (Build-Out Analysis) of the Kaua'i General Plan.

"Lands previously designated for urban use but as yet mostly undeveloped include an area located near Kapa'a, south of Olohena Road. This area was previously designated for Urban Mixed Use and is shown as Urban Center on the new GP Land Use Map. Owned partly by the State and partly by Amfac/JMB (or its successor), this "expansion area" for Kapa'a has already accommodated the Kapa'a Middle School."

In a 2010 letter to the applicant, the Planning Director wrote

"We are writing in general support of Three Stooges LLC's petition to amend 97-acres in Kapa'a to the Urban district. The proposed amendment is in conformance with the County of Kaua'i's General Plan and will provide 231 units of affordable housing. Affordable housing remains an acute need on Kaua'i, even with a falling real estate market and as such the County is generally

supportive of any petition that proposes additional affordable housing, particularly when contiguous to developed urban areas, infrastructure and consistent with our General Plan.”

HoKua Place will assist in alleviating some of the current supply-and-demand pressures on Kauaʻi’s current housing market by providing a variety of additional housing products and opportunities for long-term local residents.



## 5.2 State of Hawai'i

### 5.2.1 Hawai'i State Plan, HRS Chapter 226

Adopted in 1978 and last revised in 1991, the plan establishes a set of themes, goals, objectives, and policies meant to guide the long term growth and development within the state. The three themes are individual and family self-sufficiency, social and economic mobility, and community and social wellbeing.

HoKua Place will contribute to the diversification of the State's economic base by generating economic benefits associated with construction and economic activity on site; and providing housing opportunities. Therefore, HoKua Place will be consistent with the Hawai'i State Plan objectives.

Sections of the Hawai'i State Plan which are applicable to HoKua Place are discussed in the following pages.

HAWAI'I STATE PLAN, HRS CHAPTER 226	S	N/S	N/A
S = Supportive, N/S = Not Supportive, N/A = Not Applicable			
<b>Section 226-4: State Goals</b> In order to guarantee, for the present and future generations, those elements of choice and mobility that insure that individuals and groups may approach their desired levels of self-reliance and self-determination, it shall be the goal of the State to achieve:			
(1) A strong, viable economy, characterized by stability, diversity and growth, that enables the fulfillment of the needs and expectations of Hawai'i's present and future generations.	X		
(2) A desired physical environment, characterized by beauty, cleanliness, quiet, stable natural systems, and uniqueness, that enhances the mental and physical well-being of the people.	X		
(3) Physical, social and economic well-being, for individuals and families in Hawai'i, that nourishes a sense of community responsibility, of caring, and of participation in community life.	X		
<b>Discussion:</b> HoKua Place will support the State economy, provide housing opportunities and enhance the social well-being for the people of Kaua'i.			
<b>Section 226-5: Objective and Policies for Population</b> (A) It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social objectives contained in this chapter; (B) To achieve the population objective, it shall be the policy of this State to:			
(1) Manage population growth statewide in a manner that provides increased opportunities for Hawai'i's people to pursue their physical, social and economic aspirations while recognizing the unique needs of each county.	X		
(2) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs-and desires.	X		
(3) Promote increased opportunities for Hawai'i's people to pursue their socioeconomic aspirations throughout the islands.	X		
(4) Encourage research activities and public awareness programs to foster an understanding of Hawai'i's limited capacity to accommodate population needs and to address concerns resulting from an increase in Hawai'i's population.			X
(5) Encourage federal actions and coordination among major governmental agencies to promote a more balanced distribution of immigrants among states, provided that such actions do not prevent the reunion of immediate family members.			X
(6) Pursue an increase in federal assistance for states with a greater proportion of foreign immigrants relative to their state's population.			X
(7) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area.	X		

<b>HAWAI'I STATE PLAN, HRS CHAPTER 226</b>	<b>S</b>	<b>N/S</b>	<b>N/A</b>
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<b>Discussion:</b> HoKua Place proposes two areas for commercial uses which will provide a variety of job opportunities; construction and construction-related employment will have direct beneficial impact on the local economy during construction. HoKua Place conforms with and implements the Kaua'i County Plan which specifically points out the need for more housing in the project area and specifically designates the subject property as Urban Center for that purpose. HoKua Place will provide a variety of housing opportunities, which will have a positive impact on housing and population aspects of the East Kaua'i Region.			
<b>Section 226-6: Objectives and Policies for the Economy in General.</b> (A) Planning for the State's economy in general shall be directed toward achievement of the following objectives:			
(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawai'i's people.	<b>X</b>		
(2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.			<b>X</b>
(B) To achieve the general economic objectives, it shall be the policy of this State to:			
(1) Expand Hawai'i's national and international marketing, communication and organizational ties, to increase the State's capacity to adjust to and capitalize upon economic changes and opportunities occurring outside the State.			<b>X</b>
(2) Promote Hawai'i as an attractive market for environmentally and socially sound investment activities that benefit Hawai'i's people.			<b>X</b>
(3) Seek broader outlets for new or expanded Hawai'i business investments.			<b>X</b>
(4) Expand existing markets and penetrate new markets for Hawai'i's products and services.			<b>X</b>
(5) Assure that the basic economic needs of Hawai'i's people are maintained in the event of disruptions in overseas transportation.			<b>X</b>
(6) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.	<b>X</b>		
(7) Encourage the formation of cooperatives and other favorable marketing arrangements at the local or regional level to assist Hawai'i's small scale producers, manufacturers and distributors.			<b>X</b>
(8) Encourage labor-intensive activities that are economically satisfying and which offer opportunities for upward mobility.			<b>X</b>
(9) Foster greater cooperation and coordination between the government and private sectors in developing Hawai'i's employment and economic growth opportunities.	<b>X</b>		
(10) Stimulate the development and expansion of economic activities which will benefit areas with substantial or expected employment problems.			<b>X</b>
(11) Maintain acceptable working conditions and standards for Hawai'i's workers.	<b>X</b>		
(12) Provide equal employment opportunities for all segments of Hawai'i's population through affirmative action and nondiscrimination measures.	<b>X</b>		
(13) Stimulate the development and expansion of economic activities capitalizing on defense, dual-use, and science and technology assets, particularly on the neighbor islands where employment opportunities may be limited.			<b>X</b>
(14) Encourage businesses that have favorable financial multiplier effects within Hawai'i's economy.			<b>X</b>
(15) Promote and protect intangible resources in Hawai'i, such as scenic beauty and the Aloha spirit, which are vital to a healthy economy.	<b>X</b>		
(16) Increase effective communication between the educational community and the private sector to develop relevant curricula and training programs to meet future employment needs in general, and requirements of new, potential growth industries in particular.			<b>X</b>

<b>HAWAI'I STATE PLAN, HRS CHAPTER 226</b>	<b>S</b>	<b>N/S</b>	<b>N/A</b>
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(17) Foster a business climate in Hawai'i - including attitudes, tax and regulatory policies, and financial and technical assistance programs--that is conducive to the expansion of existing enterprises and the creation and attraction of new business and industry.			<b>X</b>
<b>Discussion:</b> The project will meet the needs of projected growth in Kaua'i. Development of the property will address a portion of the significant demand for affordable housing in the County of Kaua'i, without significantly affecting reserve areas for foreseeable urban growth. Located on the eastern side of the island, the project is close to the centers of employment, beaches, shopping, recreation, etc. HoKua Place will respond to varying spectrums of demand for housing within Kaua'i by providing a wide range of housing opportunities inclusive of affordable housing alternatives. HoKua Place will seek to create and sustain a mixed-income community allowing for unparalleled social diversity. Development of facilities would generate employment and have a direct beneficial impact on the local economy during construction through construction and construction-related employment. Additionally, HoKua Place proposes two areas for commercial uses that, ultimately, will serve to promote and provide a variety of job opportunities.			
<b>Section 226-7 Objectives and policies for the economy--agriculture.</b> (a) Planning for the State's economy with regard to agriculture shall be directed towards achievement of the following objectives:			
(1) Viability of Hawai'i's sugar and pineapple industries.			<b>X</b>
(2) Growth and development of diversified agriculture throughout the State.			<b>X</b>
(3) An agriculture industry that continues to constitute a dynamic and essential component of Hawai'i's strategic, economic and social well-being.			<b>X</b>
(b) To achieve the agriculture objectives, it shall be the policy of this State to:			
(1) Establish a clear direction for Hawai'i's agriculture through stakeholder commitment and advocacy.			<b>X</b>
(2) Encourage agriculture by making best use of natural resources.			<b>X</b>
(3) Provide the governor and the legislature with information and options needed for prudent decision making for the development of agriculture.			<b>X</b>
(4) Establish strong relationships between the agricultural and visitor industries for mutual marketing benefits.			<b>X</b>
(5) Foster increased public awareness and understanding of the contributions and benefits of agriculture as a major sector of Hawai'i's economy.			<b>X</b>
(6) Seek the enactment and retention of federal and state legislation that benefits Hawai'i's agricultural industries.			<b>X</b>
(7) Strengthen diversified agriculture by developing an effective promotion, marketing, and distribution system between Hawai'i's producers and consumer markets locally, on the continental United States, and internationally.			<b>X</b>
(8) Support research and development activities that strengthen economic productivity in agriculture, stimulate greater efficiency, and enhance the development of new products and agricultural by-products.			<b>X</b>
(9) Enhance agricultural growth by providing public incentives and encouraging private initiatives.			<b>X</b>
(10) Assure the availability of agriculturally suitable lands with adequate water to accommodate present and future needs.			<b>X</b>
(11) Increase the attractiveness and opportunities for an agricultural education and livelihood.			<b>X</b>
(12) Expand Hawai'i's agricultural base by promoting growth and development of flowers, tropical fruits and plants, livestock, feed grains, forestry, food crops, aquaculture, and other potential enterprises.			<b>X</b>
(13) Promote economically competitive activities that increase Hawai'i's agricultural self-sufficiency.			<b>X</b>
(14) Promote and assist in the establishment of sound financial programs for diversified agriculture.			<b>X</b>

<b>HAWAI'I STATE PLAN, HRS CHAPTER 226</b>	<b>S</b>	<b>N/S</b>	<b>N/A</b>
S = Supportive, N/S = Not Supportive, N/A = Not Applicable			
(15) Institute and support programs and activities to assist the entry of displaced agricultural workers into alternative agricultural or other employment.			<b>X</b>
(16) Facilitate the transition of agricultural lands in economically non-feasible agricultural production to economically viable agricultural uses.	<b>X</b>		
<b>Discussion:</b> The subject property is in the Agriculture land use district. However, the Kaua'i General Plan and the Kapa'a Town Development Plan designate the property as Urban Center. The General Plan states: "One of the key policies in the Framework for preserving Kaua'i's rural character is to promote growth and development in compact urban areas. Urban lands comprise only four to five percent of Kaua'i's land area, leaving 55 percent in conservation and 40 percent in agriculture." The Property is currently vacant and has not been used for agriculture for over fifteen years. The Property was previously used for sugar cane by Lihu'e Plantation and fully cultivated for many years. While the property previously was cultivated in sugar, the climate and soils at HoKua Place are not ideal for the growing of most commercially viable crops due to the poor soil, strong trade winds and the salt spray from the ocean. Thus, the property as stated in the Hawai'i State Plan will "facilitate the transition of agricultural lands in economically non-feasible agricultural production to economically viable agricultural uses."			
<b>Section 226-8 Objective and policies for the economy--visitor industry.</b> (a) Planning for the State's economy with regard to the visitor industry shall be directed towards the achievement of the objective of a visitor industry that constitutes a major component of steady growth for Hawai'i's economy.			
(b) To achieve the visitor industry objective, it shall be the policy of this State to:			
(1) Support and assist in the promotion of Hawai'i's visitor attractions and facilities.			<b>X</b>
(2) Ensure that visitor industry activities are in keeping with the social, economic and physical needs and aspirations of Hawai'i's people.			<b>X</b>
(3) Improve the quality of existing visitor destination areas by utilizing Hawai'i's strengths in science and technology.			<b>X</b>
(4) Encourage cooperation and coordination between the government and private sectors in developing and maintaining well-designed, adequately serviced visitor industry and related developments which are sensitive to neighboring communities and activities.			<b>X</b>
(5) Develop the industry in a manner that will continue to provide new job opportunities and steady employment for Hawai'i's people.			<b>X</b>
(6) Provide opportunities for Hawai'i's people to obtain job training and education that will allow for upward mobility within the visitor industry.			<b>X</b>
(7) Foster a recognition of the contribution of the visitor industry to Hawai'i's economy and the need to perpetuate the aloha spirit.			<b>X</b>
(8) Foster an understanding by visitors of the aloha spirit and of the unique and sensitive character of Hawai'i's cultures and values.			<b>X</b>
<b>Discussion:</b> HoKua Place is a residential development and will have no effect on the tourism industry.			
<b>Section 226-9 Objective and policies for the economy--federal expenditures.</b> (a) Planning for the State's economy with regard to federal expenditures shall be directed towards achievement of the objective of a stable federal investment base as an integral component of Hawai'i's economy.			
(b) To achieve the federal expenditures objective, it shall be the policy of this State to:			

<b>HAWAI'I STATE PLAN, HRS CHAPTER 226</b>	<b>S</b>	<b>N/S</b>	<b>N/A</b>
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(1) Encourage the sustained flow of federal expenditures in Hawai'i that generates long-term government civilian employment;			<b>X</b>
(2) Promote Hawai'i's supportive role in national defense, in a manner consistent with Hawai'i's social, environmental, and cultural goals by building upon dual-use and defense applications to develop thriving ocean engineering, aerospace research and development, and related dual-use technology sectors in Hawai'i's economy;			<b>X</b>
(3) Promote the development of federally supported activities in Hawai'i that respect statewide economic concerns, are sensitive to community needs, and minimize adverse impacts on Hawai'i's environment;			<b>X</b>
(4) Increase opportunities for entry and advancement of Hawai'i's people into federal government service;			<b>X</b>
(5) Promote federal use of local commodities, services, and facilities available in Hawai'i;			<b>X</b>
(6) Strengthen federal-state-county communication and coordination in all federal activities that affect Hawai'i; and			<b>X</b>
(7) Pursue the return of federally controlled lands in Hawai'i that are not required for either the defense of the nation or for other purposes of national importance, and promote the mutually beneficial exchanges of land between federal agencies, the State and the counties.			<b>X</b>
<b>Discussion:</b> HoKua Place is a private development and no Federal expenditures will be used.			
<b>Section 226-10 Objective and policies for the economy--potential growth activities.</b> (a) Planning for the State's economy with regard to potential growth activities shall be directed towards achievement of the objective of development and expansion of potential growth activities that serve to increase and diversify Hawai'i's economic base.			
(b) To achieve the potential growth activity objective, it shall be the policy of this State to:			
(1) Facilitate investment and employment growth in economic activities that have the potential to expand and diversify Hawai'i's economy, including but not limited to diversified agriculture, aquaculture, renewable energy development, creative media, and science and technology-based sectors;			<b>X</b>
(2) Expand Hawai'i's capacity to attract and service international programs and activities that generate employment for Hawai'i's people;			<b>X</b>
(3) Enhance and promote Hawai'i's role as a center for international relations, trade, finance, services, technology, education, culture, and the arts;			<b>X</b>
(4) Accelerate research and development of new energy-related industries based on wind, solar, ocean, and underground resources and solid waste;			<b>X</b>
(5) Promote Hawai'i's geographic, environmental, social, and technological advantages to attract new economic activities into the State;			<b>X</b>
(6) Provide public incentives and encourage private initiative to attract new industries that best support Hawai'i's social, economic, physical, and environmental objectives;			<b>X</b>
(7) Increase research and the development of ocean-related economic activities such as mining, food production, and scientific research;			<b>X</b>
(8) Develop, promote, and support research and educational and training programs that will enhance Hawai'i's ability to attract and develop economic activities of benefit to Hawai'i;			<b>X</b>
(9) Foster a broader public recognition and understanding of the potential benefits of new, growth-oriented industry in Hawai'i;			<b>X</b>
(10) Encourage the development and implementation of joint federal and state initiatives to attract federal programs and projects that will support Hawai'i's social, economic, physical, and environmental objectives;			<b>x</b>
(11) Increase research and development of businesses and services in the telecommunications and information industries; and			<b>X</b>

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(12) Foster the research and development of non-fossil fuel and energy efficient modes of transportation.	X		
<b>Discussion:</b> Market studies have shown that the population growth and correlating need and demand for housing is high on Kaua'i. The proposed development, which will allow residents to purchase an affordable unit or house and lot, as well as, allow other residents to purchase a lot to design and build their own homes, will present an opportunity to address the critical community need for residential housing. Development of facilities would generate employment and consequent income and taxes. On a short-term basis, the proposed development will have a direct beneficial impact on the local economy during construction through construction and construction-related employment. Additionally, HoKua Place proposes two areas for commercial uses that, ultimately, will serve to promote and provide a variety of job opportunities. A photovoltaic system that can generate up to 1.18 MW of electricity is situated within the HoKua Farm Lots (formerly known as Kapa'a Highlands I). Its operator entered into an agreement to sell to KIUC electricity generated from the solar farm for 20 years.			
<b>Section 226-10.5 Objectives and policies for the economy--information industry.</b> (a) Planning for the State's economy with regard to telecommunications and information technology shall be directed toward positioning Hawai'i as a leader in broadband communications and applications in the Pacific Region.			
(b) To achieve the information industry objective, it shall be the policy of this State to:			
(1) Encourage the continued development and expansion of the telecommunications infrastructure serving Hawai'i to accommodate future growth in the information industry;			X
(2) Facilitate the development of new business and service ventures in the information industry which will provide employment opportunities for the people of Hawai'i;			X
(3) Encourage greater cooperation between the public and private sectors in developing and maintaining a well- designed information industry;			X
(4) Ensure that the development of new businesses and services in the industry are in keeping with the social, economic, and physical needs and aspirations of Hawai'i's people;			X
(5) Provide opportunities for Hawai'i's people to obtain job training and education that will allow for upward mobility within the information industry;			X
(6) Foster a recognition of the contribution of the information industry to Hawai'i's economy; and			X
(7) Assist in the promotion of Hawai'i as a broker, creator and processor of information in the Pacific.			X
<b>Discussion:</b> HoKua Place will be a residential development and will have no effect on the information industry.			
<b>Section 226-11 Objectives and Policies for the Physical Environment - Land-based, Shoreline, and Marine Resources.</b> (A) Planning for the State's physical environment with regard to land-based, shoreline and marine resources shall be directed towards achievement of the following objectives:			
(1) Prudent use of Hawai'i's land-based, shoreline, and marine resources.	X		
(2) Effective protection of Hawai'i's unique and fragile environmental resources.	X		
(B) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:			
(1) Exercise an overall conservation ethic in the use of Hawai'i's natural resources.	X		
(2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.	X		

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(3) Take into account the physical attributes of areas when planning and designing activities and facilities.	X		
(4) Manage natural resources and environs to encourage their beneficial and multiple uses without generating costly or irreparable environmental damage.	X		
(5) Consider multiple uses in watershed areas, provided such uses do not detrimentally affect water quality and recharge functions.			X
(6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawai'i.	X		
(7) Provide public incentives that encourage private actions to protect significant natural resources from degradation or unnecessary depletion.			X
(8) Pursue compatible relationships among activities, facilities and natural resources.	X		
(9) Promote increased accessibility and prudent use of inland and shoreline areas for public recreational, educational and scientific purposes.	X		
<b>Discussion:</b> Although HoKua Place is not located on the shoreline, it will incorporate core principles of various sustainability programs and plans to address the protection of Hawai'i's environmental resources. HoKua Place will incorporating design features to fit development into natural features, protecting natural resources, while taking advantage of natural elements. HoKua Place will encourage protection of urban open spaces by focusing on the urban landscaping, green spaces and mixed-use development and recreational opportunities. HoKua Place will focuses on reducing and conserving water use, as well as minimizing impacts to nearby ecosystems from source to storm water systems. Energy management within HoKua Place will encourage energy conservation, energy efficiency and renewable energy.			
<b>Section 226-12 Objective and Policies for the Physical Environment - Scenic, Natural Beauty, and Historic Resources.</b> (A) Planning for the State's physical environment shall be directed towards achievement of the objective of enhancement of Hawai'i's scenic assets, natural beauty and multi-cultural/historical resources. (B) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:			
(1) Promote the preservation and restoration of significant natural and historic resources.	X		
(2) Provide incentives to maintain and enhance historic, cultural and scenic amenities.	X		
(3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes and other natural features.	X		
(4) Protect those special areas, structures and elements that are an integral and functional part of Hawai'i's ethnic and cultural heritage.	X		
(5) Encourage the design of developments and activities that complement the natural beauty of the islands.	X		
<b>Discussion:</b> HoKua Place will not affect cultural or historic resources. No archaeological sites are known to exist on the property. Should any archaeologically significant artifacts, bones, or other indicators be uncovered during construction, HoKua Place is committed to strict compliance with State laws and rules. The project site is not part of a scenic corridor and the project will not affect scenic vistas and view planes. The proposed project will not involve significant alteration of the existing topographic character of the site and will not affect public views to and along the shoreline. The project design will compliment the Kapa'a environment in terms of site plan, building materials and heights.			

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<b>Section 226-13 Objectives and Policies for the Physical Environment - Land, Air, and Water Quality.</b> (A) Planning for the State's physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:			
(1) Maintenance and pursuit of improved quality in Hawai'i's land, air and water resources.	<b>X</b>		
(2) Greater public awareness and appreciation of Hawai'i's environmental resources.			<b>X</b>
(B) To achieve the land, air, and water quality objectives, it shall be the policy of this State to:			
(1) Foster educational activities that promote a better understanding of Hawai'i's limited environmental resources.			<b>X</b>
(2) Promote the proper management of Hawai'i's land and water resources.	<b>X</b>		
(3) Promote effective measures to achieve desired quality in Hawai'i's surface, ground and coastal waters.	<b>X</b>		
(4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawai'i's people.	<b>X</b>		
(5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.	<b>X</b>		
(6) Encourage design and construction practices that enhance the physical qualities of Hawai'i's communities.	<b>X</b>		
(7) Encourage urban developments in close proximity to existing services and facilities.	<b>X</b>		
(8) Foster recognition of the importance and value of the land, air and water resources to Hawai'i's people, their cultures and visitors.			<b>X</b>
<b>Discussion:</b> HoKua Place will employ design principles and features, were feasible, aimed at water and energy conservation and stewardship for Hawai'i's resources. The project site is located outside of the flood and tsunami zones and project construction practices will minimize threat from natural hazards. The project site is located in proximity to existing urban development and infrastructure. Through the layout and design of HoKua Place, there is an overall opportunity for a positive effect on the health of its residents. HoKua Place included open space, parks and open greenway areas encompassing 14.3-acres, a 3.1-acre park for outdoor recreation and land for the proposed relocation of the Kapa'a county swimming pool which will provide residents with an opportunity for leisurely recreational and physical fitness activities.			
<b>226-14 Objective and policies for facility systems--in general.</b> (a) Planning for the State's facility systems in general shall be directed towards achievement of the objective of water, transportation, waste disposal and energy and telecommunication systems that support statewide social, economic and physical objectives.			
(b) To achieve the general facility systems objective, it shall be the policy of this State to:			
(1) Accommodate the needs of Hawai'i's people through coordination of facility systems and capital improvement priorities in consonance with state and county plans.	<b>X</b>		
(2) Encourage flexibility in the design and development of facility systems to promote prudent use of resources and accommodate changing public demands and priorities.	<b>X</b>		
(3) Ensure that required facility systems can be supported within resource capacities and at reasonable cost to the user.	<b>X</b>		
(4) Pursue alternative methods of financing programs and projects and cost-saving techniques in the planning, construction and maintenance of facility systems.	<b>X</b>		



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<b>Discussion:</b> HoKua Place will be contributing to act on the deferred maintenance and to the cost of repairs to the County sewer treatment plant. Additionally, HoKua Place has a proven well site that may be dedicated to the DOW to feed the Department of Water's storage tanks. The project will have a main roadway from the Kapa'a By-Pass Road running north through the Property to Olohena Road. The roadway will follow the county's resolution for complete roads and as such will be a multi-modal roadway. The by-pass road is owned by HoKua Place which is working with the Department of Transportation (DOT) and has been allowing for the continuous public use of the road. The by-pass road will be dedicated to DOT upon final subdivision approval. Thus, HoKua Place will be contributing to the objectives and policies of the State Plan in regards to facility systems.			
<b>226-15 Objectives and Policies for Facility Systems - Solid and Liquid Wastes.</b> (A) Planning for the State's facility systems with regard to solid and liquid wastes shall be directed towards the achievement of the following objectives:			
(1) Maintenance of basic public health and sanitation standards relating to treatment and disposal of solid and liquid wastes.	X		
(2) Provision of adequate sewerage facilities for physical and economic activities that alleviate problems in housing, employment, mobility, and other areas.	X		
(B) To achieve solid and liquid waste objectives, it shall be the policy of this State to:			
(1) Encourage the adequate development of sewerage facilities that complement planned growth.			X
(2) Promote re-use and recycling to reduce solid and liquid wastes and employ a conservation ethic.	X		
(3) Promote research to develop more efficient and economical treatment and disposal of solid and liquid wastes.			X
<b>Discussion:</b> HoKua Place will adhere to State and County sanitation standards for solid and liquid waste management. Throughout project construction and development, HoKua Place will recycle and reuse generated construction wastes, as well as, incorporate measures and provisions to implement recycling such as storage and collection systems for recyclables. BMPs will be implemented for long term development and operation of activities occurring on the site as part of pollution prevention measures. HoKua Place will be contributing funds to help upgrade the deferred maintenance and repair of the Wailua Waste Water Treatment plant.			
<b>226-16 Objective and Policies for Facility Systems - Water.</b> (A) Planning for the State's facility systems with regard to water shall be directed towards achievement of the objective of the provision of water to adequately accommodate domestic, agricultural, commercial, industrial, recreational and other needs within resource capacities. (B) To achieve the facility systems water objective, it shall be the policy of this State to:			
(1) Coordinate development of land use activities with existing and potential water supply.	X		
(2) Support research and development of alternative methods to meet future water requirements well in advance of anticipated needs.			X
(3) Reclaim and encourage the productive use of runoff water and wastewater discharges.	X		
(4) Assist in improving the quality, efficiency, service and storage capabilities of water systems for domestic and agricultural use.	X		
(5) Support water supply services to areas experiencing critical water problems.			X
(6) Promote water conservation programs and practices in government, private industry, and the general public to help ensure adequate water to meet long-term needs.	X		

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<b>Discussion:</b> HoKua Place will employ design principles, where feasible, to conserve water and seek to achieve water conservation and efficiency. A Water Master Plan for HoKua Place (formerly known as Kapa'a Highlands II) has been approved, in concept, by the Kaua'i County Department of Water (DOW). HoKua Place has a proven well site that will be dedicated to the DOW to feed the Department of Water's storage tanks and existing water system. HoKua Place is committed to continue working with the DOW on pertinent water issues.			
<b>226-17 Objectives and Policies for Facility Systems - Transportation.</b> (A) Planning for the State's facility systems with regard to transportation shall be directed towards the achievement of the following objectives:			
(1) An integrated multi-modal transportation system that services statewide needs and promotes the efficient, economical, safe and convenient movement of people and goods.	X		
(2) A statewide transportation system that is consistent with and will accommodate planned growth objectives throughout the State.			X
(B) To achieve the transportation objectives, it shall be the policy of this State to:			
(1) Design, program, and develop a multi-modal system in conformance with desired growth and physical development as stated in this chapter;	X		
(2) Coordinate state, county, federal, and private transportation activities and programs toward the achievement of statewide objectives;			X
(3) Encourage a reasonable distribution of financial responsibilities for transportation among participating governmental and private parties;			X
(4) Provide for improved accessibility to shipping, docking, and storage facilities;			X
(5) Promote a reasonable level and variety of mass transportation services that adequately meet statewide and community needs;			X
(6) Encourage transportation systems that serve to accommodate present and future development needs of communities;	X		
(7) Encourage a variety of carriers to offer increased opportunities and advantages to inter-island movement of people and goods;			X
(8) Increase the capacities of airport and harbor systems and support facilities to effectively accommodate transshipment and storage needs;			X
(9) Encourage the development of transportation systems and programs which would assist statewide economic growth and diversification;			X
(10) Encourage the design and development of transportation systems sensitive to the needs of affected communities and the quality of Hawai'i's natural environment;			X
(11) Encourage safe and convenient use of low-cost, energy-efficient, non-polluting means of transportation;			X
(12) Coordinate intergovernmental land use and transportation planning activities to ensure the timely delivery of supporting transportation infrastructure in order to accommodate planned growth objectives; and	X		
(13) Encourage diversification of transportation modes and infrastructure to promote alternate fuels and energy efficiency.			X
<b>Discussion:</b> HoKua Place actively supports transportation planning and objectives of the County of Kaua'i Transportation Department and DOT. HoKua Place will incorporate bus stops into its road system and complete streets design. HoKua Place is committed to Multi-modal, Interconnected and Concurrent Transportation for its residents and community. HoKua Place also intends upon dedicating the Kapa'a Bypass Road to the State to achieve both State and County transportation goals and objectives.			

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<b>226-18 Objectives and Policies for Facility Systems - Energy.</b> (A) Planning for the State's facility systems with regard to energy shall be directed toward the achievement of the following objectives, giving due consideration to all:			
(1) Dependable, efficient, and economical statewide energy systems capable of supporting the needs of the people;			<b>X</b>
(2) Increased energy self-sufficiency where the ratio of indigenous to imported energy use is increased;	<b>X</b>		
(3) Greater energy security in the face of threats to Hawai'i's energy supplies and systems; and	<b>X</b>		
(4) Reduction, avoidance or sequestration of greenhouse gas emissions from energy supply and use.	<b>X</b>		
(B) To achieve the energy objectives, it shall be the policy of this State to ensure the provision of adequate, reasonably priced and dependable energy services to accommodate demand.			
(C) To further achieve the energy objectives, it shall be the policy of this State to:			
(1) Support research and development as well as promote the use of renewable energy sources;	<b>X</b>		
(2) Ensure that the combination of energy supplies and energy-saving systems is sufficient to support the demands of growth;	<b>X</b>		
(3) Base decisions of least-cost supply-side and demand-side energy resource options on a comparison of their total costs and benefits when a least-cost is determined by a reasonably comprehensive, quantitative, and qualitative accounting of their long-term, direct and indirect economic, environmental, social, cultural, and public health costs and benefits;			<b>X</b>
(4) Promote all cost-effective conservation of power and fuel supplies through measures including: (a) Development of cost-effective demand-side management programs; (b) Education; and (c) Adoption of energy-efficient practices and technologies;	<b>X</b>		
(5) Ensure to the extent that new supply-side resources are needed, the development or expansion of energy systems utilizes the least-cost energy supply option and maximizes efficient technologies;	<b>X</b>		
(6) Support research, development, and demonstration of energy efficiency, load management, and other demand-side management programs, practices, and technologies;	<b>X</b>		
(7) Promote alternate fuels and energy efficiency by encouraging diversification of transportation modes and infrastructure;	<b>X</b>		
(8) Support actions that reduce, avoid, or sequester greenhouse gases in utility, transportation, and industrial sector applications; and			<b>X</b>
(9) Support actions that reduce, avoid or sequester Hawai'i's greenhouse gas emissions through agriculture and forestry initiatives.			<b>X</b>
(10) Provide priority handling and processing for all state and county permits required for renewable energy projects.			<b>X</b>
<b>Discussion:</b> HoKua Place activities, buildings and grounds will be designed with a significant emphasis on energy conservation and efficiency. HoKua Place will employ efficient design practices and technologies, where feasible. Buildings within HoKua Place will further comply with the County of Kaua'i and State Energy Conservation rules and regulations.			
<b>226-18.5 Objectives and policies for facility systems--telecommunications.</b> (a) Planning for the State's telecommunications facility systems shall be directed towards the achievement of dependable, efficient, and economical statewide telecommunications systems capable of supporting the needs of the people.			
(b) To achieve the telecommunications objective, it shall be the policy of this State to ensure the provision of adequate, reasonably priced and dependable telecommunications services to accommodate demand.			<b>X</b>
(c) To further achieve the telecommunications objective, it shall be the policy of this State to:			
(1) Facilitate research and development of telecommunications systems and resources;			<b>X</b>

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(2) Encourage public and private sector efforts to develop means for adequate, ongoing telecommunications planning;			<b>X</b>
(3) Promote efficient management and use of existing telecommunications systems and services; and			<b>X</b>
(4) Facilitate the development of education and training of telecommunications personnel			<b>X</b>
<b>Discussion:</b> The project site is served by Hawaiian Telcom telephone lines. Numerous cell towers across the island provide cellular phone service to the area. Therefore, the project will not have a significant impact on communication resources or services.			
<b>Section 226-19: Objectives and policies for socio-cultural advancement--housing.</b> (a) Planning for the State's socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:			
(1) Greater opportunities for Hawai'i's people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more affordable housing is made available to very low-, low- and moderate-income segments of Hawai'i's population.	<b>X</b>		
(2) The orderly development of residential areas sensitive to community needs and other land uses.	<b>X</b>		
(3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawai'i's people.	<b>X</b>		
(b) To achieve the housing objectives, it shall be the policy of this State to:			
(1) Effectively accommodate the housing needs of Hawai'i's people.	<b>X</b>		
(2) Stimulate and promote feasible approaches that increase housing choices for low-income, moderate-income and gap-group households.	<b>X</b>		
(3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style and size of housing.	<b>X</b>		
(4) Promote appropriate improvement, rehabilitation and maintenance of existing housing units and residential areas.			<b>X</b>
(5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.	<b>X</b>		
(6) Facilitate the use of available vacant, developable and underutilized urban lands for housing.			<b>X</b>
(7) Foster a variety of lifestyles traditional to Hawai'i through the design and maintenance of neighborhoods that reflect the culture and values of the community.	<b>X</b>		
(8) Promote research and development of methods to reduce the cost of housing construction in Hawai'i.			<b>X</b>

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<b>Discussion:</b> HoKua Place will have a positive impact on housing and population aspects of the East Kaua'i Region. The Kaua'i General Plan specifically points out the need for more housing in the area and specifically designates the subject property as Urban Center for that purpose. In a 2010 letter to HoKua Place (formerly known as Kapa'a Highlands II), the Planning Director wrote, "We are writing in general support of Three stooges LLC's petition to amend 97 acres in Kapa'a to the Urban district. The proposed amendment is in conformance with the County of Kaua'i's General Plan and will provide affordable housing. Affordable housing remains an acute need on Kaua'i, even with a falling real estate market and as such the County is generally supportive of any petition that proposes additional affordable housing, particularly when contiguous to developed urban areas, infrastructure and consistent with our General Plan." Therefore development of the Property will address a portion of the significant demand for affordable housing in the County of Kaua'i, without significantly affecting reserve areas for foreseeable urban growth. HoKua Place will respond to varying spectrums of demand for housing within Kaua'i by providing a wide range of housing opportunities inclusive of affordable housing alternatives. HoKua Place will seek to create and sustain a mixed-income community allowing for unparalleled social diversity.			
<b>226-20 Objectives and policies for socio-cultural advancement--health.</b> (a) Planning for the State's socio-cultural advancement with regard to health shall be directed towards achievement of the following objectives:			
(1) Fulfillment of basic individual health needs of the general public.			<b>X</b>
(2) Maintenance of sanitary and environmentally healthful conditions in Hawai'i's communities.	<b>X</b>		
(b) To achieve the health objectives, it shall be the policy of this State to:			
(1) Provide adequate and accessible services and facilities for prevention and treatment of physical and mental health problems, including substance abuse.			<b>X</b>
(2) Encourage improved cooperation among public and private sectors in the provision of health care to accommodate the total health needs of individuals throughout the State.			<b>X</b>
(3) Encourage public and private efforts to develop and promote statewide and local strategies to reduce health care and related insurance costs.			<b>X</b>
(4) Foster an awareness of the need for personal health maintenance and preventive health care through education and other measures.			<b>X</b>
(5) Provide programs, services and activities that ensure environmentally healthful and sanitary conditions.			<b>X</b>
(6) Improve the State's capabilities in preventing contamination by pesticides and other potentially hazardous substances through increased coordination, education, monitoring and enforcement.			<b>X</b>
<b>Discussion:</b> Through the layout and design of HoKua Place, there is an overall opportunity for a positive effect on the health of its residents. HoKua Place provides opportunities for people of all ages and abilities to engage in routine physical activity by creating places and policies that encourage better physical health, including open space and open greenway areas encompassing 14.3-acres, a 3.1-acre park for outdoor recreation and land for the proposed relocation of the Kapa'a county swimming pool which will provide residents with an opportunity for leisurely recreational and physical fitness activities.			

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<b>226-21 Objective and policies for socio-cultural advancement--education.</b> (a) Planning for the State's socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.			
(b) To achieve the education objective, it shall be the policy of this State to:			
(1) Support educational programs and activities that enhance personal development, physical fitness, recreation and cultural pursuits of all groups.	<b>X</b>		
(2) Ensure the provision of adequate and accessible educational services and facilities that are designed to meet individual and community needs.	<b>X</b>		
(3) Provide appropriate educational opportunities for groups with special needs.			<b>X</b>
(4) Promote educational programs which enhance understanding of Hawai'i's cultural heritage.			<b>X</b>
(5) Provide higher educational opportunities that enable Hawai'i's people to adapt to changing employment demands.			<b>X</b>
(6) Assist individuals, especially those experiencing critical employment problems or barriers, or undergoing employment transitions, by providing appropriate employment training programs and other related educational opportunities.			<b>X</b>
(7) Promote programs and activities that facilitate the acquisition of basic skills, such as reading, writing, computing, listening, speaking, and reasoning.			<b>X</b>
(8) Emphasize quality educational programs in Hawai'i's institutions to promote academic excellence.			<b>X</b>
(9) Support research programs and activities that enhance the education programs of the State.			<b>X</b>
<b>Discussion:</b> HoKua Place will coordinate with the DOE to ensure that the DOE's facility assessment policy provisions are appropriately addressed. Additionally, a 3.1-acre park is proposed adjacent to the existing Kapa'a Middle School. The park will have an area for the county's proposed relocation of the Kapa'a county swimming pool. HoKua Place also plans to develop a bike/walking path from the south of the property to the Kapa'a Middle School to facilitate biking and walking around the development.			
<b>226-22 Objective and Policies for Socio-Cultural Advancement -Social Services.</b> (A) Planning for the State's socio-cultural advancement with regard to social services shall be directed towards the achievement of the objective of improved public and private social services and activities that enable individuals, families, and groups to become more self-reliant and confident to improve their well-being. (B) To achieve the social service objective, it shall be the policy of the State to:			
(1) Assist individuals, especially those in need of attaining a minimally adequate standard of living and those confronted by social and economic hardship conditions, through social services and activities within the State's fiscal capacities.			<b>X</b>
(2) Promote coordination and integrative approaches among public and private agencies and programs to jointly address social problems that will enable individuals, families and groups to deal effectively with social problems and to enhance their participation in society.			<b>X</b>
(3) Facilitate the adjustment of new residents, especially recently arrived immigrants, into Hawai'i's communities.			<b>X</b>
(4) Promote alternatives to institutional care in the provision of long-term care for elder and disabled populations.			<b>X</b>
(5) Support public and private efforts to prevent domestic abuse and child molestation, and assist victims of abuse and neglect.			<b>X</b>
(6) Promote programs which assist people in need of family planning services to enable them to meet their needs.			<b>X</b>

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<b>Discussion:</b> HoKua Place will assist the State with its socio-cultural advancement by providing a variety of housing opportunities for residents as well as the creation of open space and development of a park which included the relocation of a County swimming pool.			
<b>226-23 Objective and policies for socio-cultural advancement--leisure.</b> (a) Planning for the State's socio-cultural advancement with regard to leisure shall be directed towards the achievement of the objective of the adequate provision of resources to accommodate diverse cultural, artistic, and recreational needs for present and future generations.			
(b) To achieve the leisure objective, it shall be the policy of this State to:			
(1) Foster and preserve Hawai'i's multi-cultural heritage through supportive cultural, artistic, recreational, and humanities-oriented programs and activities.			<b>X</b>
(2) Provide a wide range of activities and facilities to fulfill the cultural, artistic, and recreational needs of all diverse and special groups effectively and efficiently.	<b>X</b>		
(3) Enhance the enjoyment of recreational experiences through safety and security measures, educational opportunities, and improved facility design and maintenance.	<b>X</b>		
(4) Promote the recreational and educational potential of natural resources having scenic, open space, cultural, historical, geological, or biological values while ensuring that their inherent values are preserved.	<b>X</b>		
(5) Ensure opportunities for everyone to use and enjoy Hawai'i's recreational resources.	<b>X</b>		
(6) Assure the availability of sufficient resources to provide for future cultural, artistic and recreational needs.	<b>X</b>		
(7) Provide adequate and accessible physical fitness programs to promote the physical and mental well-being of Hawai'i's people.	<b>X</b>		
(8) Increase opportunities for appreciation and participation in the creative arts, including the literary, theatrical, visual, musical, folk and traditional art forms.			<b>X</b>
(9) Encourage the development of creative expression in the artistic disciplines to enable all segments of Hawai'i's population to participate in the creative arts.			<b>X</b>
(10) Assure adequate access to significant natural and cultural resources in public ownership.			<b>X</b>
<b>Discussion:</b> HoKua Place interlinks natural features and open space as core components of the community. Open space and open greenway areas encompassing 14.3-acres will be developed within the project. A 3.1-acre park is proposed within the project for outdoor recreation. Land for the proposed relocation of the Kapa'a county swimming pool will be available within the 3.1-acre park. The provision of a 3.1-acre park with a county swimming pool within the proposed development will provide residents with an opportunity for leisurely recreational activities.			
<b>226-24 Objective and Policies for Socio-Cultural Advancement - Individual Rights and Personal Well-Being.</b> (A) Planning for the State's socio-cultural advancement with regard to individual rights and personal well-being shall be directed towards achievement of the objective of increased opportunities and protection of individual rights to enable individuals to fulfill their socio-economic needs and aspirations. (B) To achieve the individual rights and personal well-being objective, it shall be the policy of this State to:			
(1) Provide effective services and activities that protect individuals from criminal acts and unfair practices and that alleviate the consequences of criminal acts in order to foster a safe and secure environment.			<b>X</b>
(2) Uphold and protect the national and state constitutional rights of every individual.			<b>X</b>

<b>HAWAI'I STATE PLAN, HRS CHAPTER 226</b>	<b>S</b>	<b>N/S</b>	<b>N/A</b>
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(3) Assure access to, and availability of, legal assistance, consumer protection, and other public services which strive to attain social justice.			<b>X</b>
(4) Ensure equal opportunities for individual participation in society.			<b>X</b>
<b>Discussion:</b> HoKua Place will assist the State with its socio-cultural advancement by providing a variety of housing opportunities for residents.			
<b>226-25 Objective and Policies for Socio-Cultural Advancement - Culture.</b> (A) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawai'i's people. (B) To achieve the culture objective, it shall be the policy of this State to:			
(1) Foster increased knowledge and understanding of Hawai'i's ethnic and cultural heritages and the history of Hawai'i.			<b>X</b>
(2) Support activities and conditions that promote cultural values, customs and arts that enrich the lifestyles of Hawai'i's people and which are sensitive and responsive to family and community needs.			<b>X</b>
(3) Encourage increased awareness of the effects of proposed public and private actions on the integrity and quality of cultural and community lifestyles in Hawai'i.			<b>X</b>
(4) Encourage the essence of the aloha spirit in people's daily activities to promote harmonious relationships among Hawai'i's people and visitors.	<b>X</b>		
<b>Discussion:</b> Affordable housing option will be incorporated within the HoKua Place, allowing for a diversity and mix of housing types and options. Complete streets with walkways and bike lanes, will allow for slow movement through the project for easy social interaction.			
<b>226-26 Objectives and Policies for Socio-Cultural Advancement - Public Safety.</b> (A) Planning for the State's socio-cultural advancement with regard to public safety shall be directed towards the achievement of the following objectives:			
(1) Assurance of public safety and adequate protection of life and property for all people.	<b>X</b>		
(2) Optimum organizational readiness and capability in all phases of emergency management to maintain the strength, resources, and social and economic well-being of the community in the event of civil disruptions, wars, natural disasters, and other major disturbances.			<b>X</b>
(3) Promotion of a sense of community responsibility for the welfare and safety of Hawai'i's people.	<b>X</b>		
(B) To achieve the public safety objectives, it shall be the policy of this State to:			
(1) Ensure that public safety programs are effective and responsive to community needs.			<b>X</b>
(2) Encourage increased community awareness and participation in public safety programs.			<b>X</b>
(C) To further achieve public safety objectives related to criminal justice, it shall be the policy of this State to:			
(1) Support criminal justice programs aimed at preventing and curtailing criminal activities.			<b>X</b>
(2) Develop a coordinated, systematic approach to criminal justice administration among all criminal justice agencies.			<b>X</b>
(3) Provide a range of correctional resources which may include facilities and alternatives to traditional incarceration in order to address the varied security needs of the community and successfully reintegrate offenders into the community.			<b>X</b>
(D) To further achieve public safety objectives related to emergency management, it shall be the policy of this State to:			
(1) Ensure that responsible organizations are in a proper state of readiness to respond to major war-related, natural, or technological disasters and civil disturbances at all times.			<b>X</b>
(2) Enhance the coordination between emergency management programs throughout the State.			<b>X</b>



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<b>Discussion:</b> HoKua Place allocates a one acre parcel for the development of sub-stations for the police and fire departments. Provision of correctional facilities falls under the jurisdiction of the PSD.			
<b>226-27 Objectives and Policies for Socio-Cultural Advancement - Government.</b> (A) Planning the State's socio-cultural advancement with regard to government shall be directed towards the achievement of the following objectives:			
(1) Efficient, effective, and responsive government services at all levels in the State.			<b>X</b>
(2) Fiscal integrity, responsibility and efficiency in the state government and county governments.			<b>X</b>
(B) To achieve the government objectives, it shall be the policy of this State to:			
(1) Provide for necessary public goods and services not assumed by the private sector.			<b>X</b>
(2) Pursue an openness and responsiveness in government that permits the flow of public information, interaction and response.			<b>X</b>
(3) Minimize the size of government to that necessary to be effective.			<b>X</b>
(4) Stimulate the responsibility in citizens to productively participate in government for a better Hawai'i.			<b>X</b>
(5) Assure that government attitudes, actions and services are sensitive to community needs and concerns.			<b>X</b>
(6) Provide for a balanced fiscal budget.			<b>X</b>
(7) Improve the fiscal budgeting and management system of the State.			<b>X</b>
(8) Promote the consolidation of state and county governmental functions to increase the effective and efficient delivery of government programs and services and to eliminate duplicative services wherever feasible.	<b>X</b>		
<b>Discussion:</b> HoKua Place allocates a one acre parcel for the development of sub-stations for the police and fire departments.			
<b>Hawai'i State Plan - HRS Ch. 226 - Part III. Priority Guidelines</b>			
<b>226-101 Purpose.</b> The purpose of this part is to establish overall priority guidelines to address areas of statewide concern.			
<b>226-102 Overall Direction.</b> The State shall strive to improve the quality of life for Hawai'i's present and future population through the pursuit of desirable courses of action in five major areas of statewide concern which merit priority attention: economic development, population growth and land resource management, affordable housing, crime and criminal justice, and quality education.			
<b>226-103 Economic Priority Guidelines.</b> (A) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawai'i's people and achieve a stable and diversified economy:			
(1) Seek a variety of means to increase the availability of investment capital for new and expanding enterprises. (a) Encourage investments which:			
(i) Reflect long term commitments to the State;	<b>X</b>		
(ii) Rely on economic linkages within the local economy;	<b>X</b>		
(iii) Diversify the economy;	<b>X</b>		
(iv) Reinvest in the local economy;	<b>X</b>		
(v) Are sensitive to community needs and priorities; and	<b>X</b>		
(vi) Demonstrate a commitment to provide management opportunities to Hawai'i residents.	<b>X</b>		
(2) Encourage the expansion of technological research to assist industry development and support the development and commercialization of technological advancements.			<b>X</b>
(3) Improve the quality, accessibility and range of services provided by government to business, including data and reference services and assistance in complying with governmental regulations.			<b>X</b>

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(4) Seek to ensure that state business tax, labor laws and administrative policies are equitable, rational, and predictable.			X
(5) Streamline the building and development permit and review process, and eliminate or consolidate other burdensome or duplicative governmental requirements imposed on business, where public health, safety and welfare would not be adversely affected.			X
(6) Encourage the formation of cooperatives and other favorable marketing or distribution arrangements at the regional or local level to assist Hawai'i's small-scale producers, manufacturers and distributors.			X
(7) Continue to seek legislation to protect Hawai'i from transportation interruptions between Hawai'i and the continental United States.			X
(8) Provide public incentives and encourage private initiative to develop and attract industries which promise long-term growth potentials and which have the following characteristics:			
(a) An industry that can take advantage of Hawai'i's unique location and available physical and human resources.			X
(b) A clean industry that would have minimal adverse effects on Hawai'i's environment.			X
(c) An industry that is willing to hire and train Hawai'i's people to meet the industry's labor needs at all levels of employment.			X
(d) An industry that would provide reasonable income and steady employment.			X
(9) Support and encourage, through educational and technical assistance programs and other means, expanded opportunities for employee ownership and participation in Hawai'i business.			X
(10) Enhance the quality of Hawai'i's labor force and develop and maintain career opportunities for Hawai'i's people through the following actions:			
(a) Expand vocational training in diversified agriculture, aquaculture, information industry and other areas where growth is desired and feasible.			X
(b) Encourage more effective career counseling and guidance in high schools and post-secondary institutions to inform students of present and future career opportunities.			X
(c) Allocate educational resources to career areas where high employment is expected and where growth of new industries is desired.			X
(d) Promote career opportunities in all industries for Hawai'i's people by encouraging firms doing business in the State to hire residents.			X
(e) Promote greater public and private sector cooperation in determining industrial training needs and in developing relevant curricula and on- the-job training opportunities.			X
(f) Provide retraining programs and other support services to assist entry of displaced workers into alternative employment.			X
(B) Priority guidelines to promote the economic health and quality of the visitor industry:			
(1) Promote visitor satisfaction by fostering an environment which enhances the Aloha Spirit and minimizes inconveniences to Hawai'i's residents and visitors.			X
(2) Encourage the development and maintenance of well- designed, adequately serviced hotels and resort destination areas which are sensitive to neighboring communities and activities and which provide for adequate shoreline setbacks and beach access.			X
(3) Support appropriate capital improvements to enhance the quality of existing resort destination areas and provide incentives to encourage investment in upgrading, repair and maintenance of visitor facilities.			X
(4) Encourage visitor industry practices and activities which respect, preserve and enhance Hawai'i's significant natural, scenic, historic and cultural resources.			X
(5) Develop and maintain career opportunities in the visitor industry for Hawai'i's people, with emphasis on managerial positions.			X
(6) Support and coordinate tourism promotion abroad to enhance Hawai'i's share of existing and potential visitor markets.			X
(7) Maintain and encourage a more favorable resort investment climate consistent with the objectives of this chapter.			X

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(8) Support law enforcement activities that provide a safer environment for both visitors and residents alike.	X		
(9) Coordinate visitor industry activities and promotions to business visitors through the state network of advanced data communication techniques.			X
(C) Priority guidelines to promote the continued viability of the sugar and pineapple industries:			
(1) Provide adequate agricultural lands to support the economic viability of the sugar and pineapple industries.			X
(2) Continue efforts to maintain federal support to provide stable sugar prices high enough to allow profitable operations in Hawai'i.			X
(3) Support research and development, as appropriate, to improve the quality and production of sugar and pineapple crops.			X
(D) Priority guidelines to promote the growth and development of diversified agriculture and aquaculture:			
(1) Identify, conserve, and protect agricultural and aquaculture lands of importance and initiate affirmative and comprehensive programs to promote economically productive agricultural and aquaculture uses of such lands.			X
(2) Assist in providing adequate, reasonably priced water for agricultural activities.			X
(3) Encourage public and private investment to increase water supply and to improve transmission, storage, and irrigation facilities in support of diversified agriculture and aquaculture.			X
(4) Assist in the formation and operation of production and marketing associations and cooperatives to reduce production and marketing costs.			X
(5) Encourage and assist with the development of a waterborne and airborne freight and cargo system capable of meeting the needs of Hawai'i's agricultural community.			X
(6) Seek favorable freight rates for Hawai'i's agricultural products from inter-island and overseas transportation operators.			X
(7) Encourage the development and expansion of agricultural and aquaculture activities which offer long-term economic growth potential and employment opportunities.			X
(8) Continue the development of agricultural parks and other programs to assist small independent farmers in securing agricultural lands and loans.			X
(9) Require agricultural uses in agricultural subdivisions and closely monitor the uses in these subdivisions.			X
(10) Support the continuation of land currently in use for diversified agriculture.			X
(E) Priority guidelines for water use and development:			
(1) Maintain and improve water conservation programs to reduce the overall water consumption rate.	X		
(2) Encourage the improvement of irrigation technology and promote the use of non-potable water for agricultural and landscaping purposes.			X
(3) Increase the support for research and development of economically feasible alternative water sources.			X
(4) Explore alternative funding sources and approaches to support future water development programs and water system improvements.			X
(F) Priority guidelines for energy use and development:			
(1) Encourage the development, demonstration and commercialization of renewable energy sources.	X		
(2) Initiate, maintain and improve energy conservation programs aimed at reducing energy waste and increasing public awareness of the need to conserve energy.	X		
(3) Provide incentives to encourage the use of energy conserving technology in residential, industrial and other buildings.			X
(4) Encourage the development and use of energy conserving and cost-efficient transportation systems.			X
(G) Priority guidelines to promote the development of the information industry:			
(1) Establish an information network that will serve as the catalyst for establishing a viable information industry in Hawai'i.			X

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(2) Encourage the development of services such as financial data processing, products and services exchange, foreign language translations, telemarketing, teleconferencing, a twenty-four-hour international stock exchange, international banking, and a Pacific Rim management center.			<b>X</b>
(3) Encourage the development of small businesses in the information field such as software development, the development of new information systems and peripherals, data conversion and data entry services, and home or cottage services such as computer programming, secretarial, and accounting services.			<b>X</b>
(4) Encourage the development or expansion of educational and training opportunities for residents in the information and telecommunications fields.			<b>X</b>
(5) Encourage research activities, including legal research in the information and telecommunications fields.			<b>X</b>
(6) Support promotional activities to market Hawai'i's information industry services.			<b>X</b>
<b>Discussion:</b> HoKua Place demonstrates a long-term commitment to housing opportunities on Kaua'i. The project will meet the needs of projected growth in Kaua'i. Development of the property will address a portion of the significant demand for affordable housing in the County of Kaua'i, without significantly affecting reserve areas for foreseeable urban growth. Located in the middle of the island, the project is close to the centers of employment, beaches, shopping, recreation, etc. HoKua Place will respond to varying spectrums of demand for housing within Kaua'i by providing a wide range of housing opportunities inclusive of affordable housing alternatives. HoKua Place will seek to create and sustain a mixed-income community allowing for unparalleled social diversity. Development of facilities would generate employment and have a direct beneficial impact on the local economy during construction through construction and construction-related employment. Additionally, HoKua Place proposes two areas for commercial uses that, ultimately, will serve to promote and provide a variety of job opportunities.			
<b>226-104 Population Growth and Land Resources Priority Guidelines.</b> (A) Priority guidelines to effect desired statewide growth and distribution:			
(1) Encourage planning and resource management to insure that population growth rates throughout the State are consistent with available and planned resource capacities and reflect the needs and desires of Hawai'i's people.	<b>X</b>		
(2) Manage a growth rate for Hawai'i's economy that will parallel future employment needs for Hawai'i's people.			<b>X</b>
(3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.	<b>X</b>		
(4) Encourage major State and Federal investments and services to promote economic development and private investment to the neighbor islands, as appropriate.			<b>X</b>
(5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.			<b>X</b>
(6) Seek Federal funds and other funding sources outside the State for research, program development and training to provide future employment opportunities on the neighbor islands.			<b>X</b>
(7) Support the development of high technology parks on the neighbor islands.			<b>X</b>
(B) Priority guidelines for regional growth distribution and land resource utilization:			
(1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.	<b>X</b>		

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(2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.	X		
(3) Restrict development when drafting of water would result in exceeding the sustainable yield or in significantly diminishing the recharge capacity of any groundwater area.			X
(4) Encourage restriction of new urban development in areas where water is insufficient from any source for both agricultural and domestic use.			X
(5) In order to preserve green belts, give priority to state capital-improvement funds which encourage location of urban development within existing urban areas except where compelling public interest dictates development of a noncontiguous new urban core.			X
(6) Seek participation from the private sector for the cost of building infrastructure and utilities, and maintaining open spaces.			X
(7) Pursue rehabilitation of appropriate urban areas.			X
(8) Support the redevelopment of Kaka'ako into a viable residential, industrial and commercial community.			X
(9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.	X		
(10) Identify critical environmental areas in Hawai'i to include but not be limited to the following: watershed and recharge areas; wildlife habitats (on land and in the ocean); areas with endangered species of plants and wildlife; natural streams and water bodies; scenic and recreational shoreline resources; open space and natural areas; historic and cultural sites; areas particularly sensitive to reduction in water and air quality; and scenic resources.			X
(11) Identify all areas where priority should be given to preserving rural character and lifestyle.			X
(12) Utilize Hawai'i's limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.	X		
(13) Protect and enhance Hawai'i's shoreline, open spaces and scenic resources.	X		
<b>Discussion:</b> HoKua Place will support the anticipated growth and housing demand in the East Kaua'i region. The project site is surrounded by urban uses and is designated "urban center" by various County plans. The project site also avoids critical habitat and important agricultural lands.			
<b>226-105 Crime and Criminal Justice Priority Guidelines.</b> (A) Priority Guidelines in the Area of Crime and Criminal Justice:			
(1) Support law enforcement activities and other criminal justice efforts that are directed to provide a safer environment.			X
(2) Target state and local resources on efforts to reduce the incidence of violent crime and on programs relating to the apprehension and prosecution of repeat offenders.			X
(3) Support community and neighborhood program initiatives that enable residents to assist law enforcement agencies in preventing criminal activities.			X
(4) Reduce overcrowding or substandard conditions in correctional facilities through a comprehensive approach among all criminal justice agencies which may include sentencing law revisions and use of alternative sanctions other than incarceration for persons who pose no danger to their community.			X
(5) Provide a range of appropriate sanctions for juvenile offenders, including community-based programs and other alternative sanctions.			X
(6) Increase public and private efforts to assist witnesses and victims of crimes and to minimize the costs of victimization.			X
<b>Discussion:</b> HoKua Place allocates a one acre parcel for the development of a police sub-station which will help increase police presence in the area.			

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<b>226-106 Affordable housing.</b> Priority guidelines for the provision of affordable housing:			
(1) Seek to use marginal or nonessential agricultural land and public land to meet housing needs of low- and moderate-income and gap-group households.	<b>X</b>		
(2) Encourage the use of alternative construction and development methods as a means of reducing production costs.			<b>X</b>
(3) Improve information and analysis relative to land availability and suitability for housing.			<b>X</b>
(4) Create incentives for development which would increase home ownership and rental opportunities for Hawai'i's low- and moderate-income households, gap-group households and residents with special needs.	<b>X</b>		
(5) Encourage continued support for government or private housing programs that provide low interest mortgages to Hawai'i's people for the purchase of initial owner- occupied housing.			<b>X</b>
(6) Encourage public and private sector cooperation in the development of rental housing alternatives.			<b>X</b>
(7) Encourage improved coordination between various agencies and levels of government to deal with housing policies and regulations.			<b>X</b>
(8) Give higher priority to the provision of quality housing that is affordable for Hawai'i's residents and less priority to development of housing intended primarily for individuals outside of Hawai'i.	<b>X</b>		
<b>Discussion:</b> HoKua Place will have a positive impact on housing and population aspects of the East Kaua'i Region. The Kaua'i General Plan specifically points out the need for more housing in the area and specifically designates the subject property as Urban Center for that purpose. In a 2010 letter to the HoKua Place (formerly known as Kapa'a Highlands II), the Planning Director wrote, "We are writing in general support of Three stooges LLC's petition to amend 97 acres in Kapa'a to the Urban district. The proposed amendment is in conformance with the County of Kaua'i's General Plan and will provide 231 units of affordable housing. Affordable housing remains an acute need on Kaua'i, even with a falling real estate market and as such the County is generally supportive of any petition that proposes additional affordable housing, particularly when contiguous to developed urban areas, infrastructure and consistent with our General Plan." Therefore, development of the Property will address a portion of the significant demand for affordable housing in the County of Kaua'i, without significantly affecting reserve areas for foreseeable urban growth. HoKua Place will respond to varying spectrums of demand for housing within Kaua'i by providing a wide range of housing opportunities inclusive of affordable housing alternatives. HoKua Place will seek to create and sustain a mixed-income community allowing for unparalleled social diversity.			
<b>226-107 Quality education.</b> Priority guidelines to promote quality education:			
(1) Pursue effective programs which reflect the varied district, school, and student needs to strengthen basic skills achievement;			<b>X</b>
(2) Continue emphasis on general education "core" requirements to provide common background to students and essential support to other university programs;			<b>X</b>
(3) Initiate efforts to improve the quality of education by improving the capabilities of the education work force;			<b>X</b>
(4) Promote increased opportunities for greater autonomy and flexibility of educational institutions in their decision-making responsibilities;			<b>X</b>
(5) Increase and improve the use of information technology in education by the availability of telecommunications equipment for:			<b>X</b>
(A) The electronic exchange of information;			<b>X</b>

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(B) Statewide electronic mail; and			<b>X</b>
(C) Access to the Internet.			<b>X</b>
Encourage programs that increase the public's awareness and understanding of the impact of information technologies on our lives;			<b>X</b>
(6) Pursue the establishment of Hawai'i's public and private universities and colleges as research and training centers of the Pacific;			<b>X</b>
(7) Develop resources and programs for early childhood education;			<b>X</b>
(8) Explore alternatives for funding and delivery of educational services to improve the overall quality of education; and			<b>X</b>
<b>Discussion:</b> HoKua Place will coordinate with the DOE to ensure that the DOE's facility assessment policy provisions are appropriately addressed.			
<b>226-108 Sustainability.</b> Priority guidelines and principles to promote sustainability shall include:			
(1) Encouraging balanced economic, social, community, and environmental priorities;	<b>X</b>		
(2) Encouraging planning that respects and promotes living within the natural resources and limits of the State;	<b>X</b>		
(3) Promoting a diversified and dynamic economy;	<b>X</b>		
(4) Encouraging respect for the host culture;	<b>X</b>		
(5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;	<b>X</b>		
(6) Considering the principles of the ahupua'a system; and			<b>X</b>
(7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawai'i.	<b>X</b>		
Discussion: As noted in the HoKua Place (formerly known as Kapa'a Highlands II) Sustainability Plan, HoKua Place will be a sustainable community and will incorporate, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, environmental stewardship and protection of the natural and cultural resources into the project. In developing this HoKua Place Sustainability Plan, a variety of recognized sustainability programs and plans were reviewed, summarized and incorporated into this plan. In part, the recommendations from these programs and plans serve as guides to the sustainability actions noted in the HoKua Place Sustainability Plan.			

### 5.2.2 State Land Use Law, HRS Chapter 205

Administered by the Land Use Commission, all lands in the State of Hawai'i are classified into one of four major land use districts: urban, rural, agricultural, and conservation. Each category has a range of allowable uses.

Chapter 205, HRS, relating to the Land Use Commission, establishes four major land use districts into which all lands of the State are placed. The districts are designated Urban, Rural, Agricultural and Conservation.

The subject property is in the Agriculture land use district. The Kaua'i General Plan and the Kapa'a Town Development Plan designate the property as Urban Center.

The Property is currently vacant and has not been used for agriculture for over fifteen years. The Property was previously used for sugar cane by Līhu‘e Plantation and fully cultivated for many years.

HoKua Place has submitted a petition to the Land Use Commission for a boundary amendment. The petition is to change the state land use designation from Agricultural Land Use District to Urban District Land Use District.

LUC Rules § 15-15-18 sets forth the standards used by the Commission for determining urban district boundaries. The proposed reclassification conforms to those standards as shown by the following analysis:

1. Lands Characterized by “city-like” Concentrations of People, Structures, Streets, Urban Level of Services and Other Related Land Uses.

The Property is located adjacent to and north of the town of Kapa‘a. The Kapa‘a By-Pass Road separates the town and the Property. The Property is on the northwest corner of the Kapa‘a By-Pass Road and Olohena Road. Olohena Road runs along and adjacent to the east and north boundaries of the Property.

The town of Kapa‘a consists of a variety of commercial, resort, recreational, and single and multi-family residential uses. The Kapa‘a Middle School is located adjacent and to the north of the Property. Olohena Road fronts Kapa‘a Middle School to the north. Across Olohena Road are single family residential neighborhoods.

The Kaua‘i General Plan (General Plan) is the primary policy directing long-range development, conservation, and the use and allocation of land and water resources in the County of Kaua‘i. The General Plan establishes, through maps and text, geographic areas of the County which are intended to be used for various general purposes such as agriculture, resorts, urban communities, and preservation of natural, cultural and scenic resources.

The General Plan states:

“One of the key policies in the Framework for preserving Kaua‘i’s rural character is to promote growth and development in compact urban areas. Urban lands comprise only four to five percent of Kaua‘i’s land area, leaving 55 percent in conservation and 40 percent in agriculture.”

The General Plan further states that land use policies for preserving Kaua‘i’s rural character should:

“Enhance Urban Centers and Towns and maintain their identity by defining the Town Center and the edges of each Town. Concentrate shopping and other commercial uses in Town Centers. Encourage residential development within Urban and Town Centers and in Residential Communities contiguous to them.”

The General Plan also sets policy for urban land use designations. Policy 5.4.1.1 states:

(a) Lands included within the Urban Center designation shall be centers of government, commerce and transportation that serve the entire county or a large region. Uses may include shopping centers, government offices, churches and other institutions, office complexes, and industrial facilities. Residential or resort uses may also be located within the Urban Center designation, where compatible.



- (b) Urban Center areas are typically served by wastewater collection and treatment facilities and major roads. Urban Center lands may be zoned for any type of use, including General Commercial, General Industrial, Resort and Residential.

The following are policies to provide for growth and development while preserving rural character, as described in the Kaua'i General Plan:

- (a) Allow incremental growth of Towns, contiguous to existing development. Concentrate primary shopping facilities within the Town Center. Support infill development.
- (b) Provide for build-out of existing Residential Communities, to include areas zoned R-1 or higher. Allow small, neighborhood-oriented commercial sites in Residential Communities.
- (e) Expansion contiguous to an existing town or residential community is preferred over a new residential community.
- (f) Allow build-out of properties in existing low-density agricultural communities, including the homestead areas of Wailua, Kapa'a, 'Ōma'o and Kalāheo and existing agricultural subdivisions in other parts of the island, while taking measures to assure the adequacy of County road, drainage and water supply systems.

The HoKua Place project conforms to and implements the policies of the Kaua'i General Plan by developing within the designated Urban District, contiguous to Kapa'a town and its neighboring residential community, thereby preserving the rural character of the area.

2.A. Proximity to Centers of Trading and Employment Except Where the Development Would Generate New Centers Of Trading and Employment.

Kapa'a town is located adjacent to and south of the property. Kapa'a is the eastside of Kaua'i's center of trade and employment, with numerous professional and business services.

Although Līhu'e, approximately 8 miles south of the property, is the center of county, state, and federal government services, its population is slightly less than Kapa'a's which has the largest resident population on the island.

Thus, as described previously, the proposed development conforms to and implements the Kaua'i General Plan's vision of residential and commercial development occurring in proximity to urban and residential areas.

2.B. Availability of Basic Services such as Schools, Parks, Wastewater Systems, Solid Waste Disposal, Drainage, Water, Transportation Systems, Public Utilities, and Police and Fire Protection.

The Kapa'a Middle School (Public School) is adjacent and to the north of the property. The Kapa'a High and Elementary Schools are located within 2-miles of the Property.

There are several parks within Kapa'a town, including a beach park. A County owned 1.9-acre park is located within walking distance from the Property, just south east of the corner of Olohena Road and the by-pass road round-about. The park consists of a baseball field, football field, basketball courts, restroom facilities, picnic tables and a barbecue area.

HoKua Place proposes a 3.1-acre park. Land for the proposed relocation of the Kapa'a County swimming pool will be available within the 3.1-acre park.

The County sewer treatment plant is located in Kapa‘a. It has a capacity of 1.5 million gallons a day. It is currently operating at 500,000 gallons a day. HoKua Place will be contributing to the deferred maintenance and to the cost of repairs to the sewer treatment plant. An existing sewer transmission line has adequate capacity for HoKua Place’s 300,000 gallons daily use and is gravity fed. A wastewater report has been completed and is attached as an Exhibit.

With respect to solid waste, the County of Kaua‘i currently provides single-family residences with solid waste disposal service on a once-per-week basis. Private solid waste disposal will be available for the multi-family projects.

A refuse transfer station is located in Kapa‘a town. The Central Kaua‘i Landfill is currently in the process of being expanded and has the necessary capacity to accommodate the proposed development.

A Drainage Report is attached as an Exhibit. A complete and final Drainage and an Erosion Mitigation Plan will be prepared and submitted to the County Engineer for approval during the design and development phase of the project.

HoKua Place will be providing drainage improvements in connection with development of the Property. Multiple detention ponds are proposed for the property. Additionally, a series of catch basins, drainage, pipes and culverts will be utilized to direct run off to major drainage areas on the property.

HoKua Place (formerly known as Kapa‘a Highlands II) has an agreement with the County Department of Water (DOW) for water service for the project. The agreement between the Petitioner and DOW requires the landowner may dedicate a proven well to feed the Department of Water’s storage tanks.

The Property is encompassed by the Kapa‘a By-Pass Road to the south and Olohena Road to the east and the north side. The by-pass road is owned by HoKua Place which is working with the Department of Transportation (DOT) and has been allowing for the continuous public use of the road. The by-pass road will be dedicated to DOT upon final subdivision approval. The DOT has stated,

“We have met with the petitioners, Three Stooze LLC, and we will work with them to ensure that any traffic impacts from the project are analyzed and effectively mitigated.”

There is a round-about located at the south east corner of Olohena Road and the Kapa‘a By-Pass Road. Kūhiō Highway is accessible from the Property by driving south on Olohena and Kūkuī Street approximately 0.5 mile.

The project will have a main roadway from the Kapa‘a By-Pass Road running north through the Property to Olohena Road. The roadway will follow the county’s resolution for complete roads and as such will be a multi-modal roadway.

Bus stops will be located along the roadway. A bike/walking path from the roundabout south east of the property will follow the bypass road, connect to the main road and continue to the Kapa‘a Middle School located on the North portion of the Property.

Electrical, cable and telephone services are available for HoKua Place. Additional service infrastructure to the property is anticipated.

Police protection for the Kapa‘a, area is provided by the Kaua‘i County Police Department, with its main headquarters located in Lihu‘e. A substation is located in Kapa‘a Town approximately 0.5 miles away from the Property.

Fire protection is currently available for the Kapa‘a area by a new county fire station located on the north end of Kapa‘a town, approximately 2.0-miles away on Kūhiō Highway. The project will have lands available for county police and fire substations on the Property.

### 2.C. Sufficient Reserve Areas for Foreseeable Urban Growth.

HoKua Place will utilize 97-acres of land for single-family and multi-family residential and commercial purposes. Development of the Property will address a portion of the significant demand for affordable housing in the County of Kaua‘i, without significantly affecting reserve areas for foreseeable urban growth.

As noted in the “Kawaihau Planning District Land Use Map” included in the Kaua‘i General Plan, the subject property has an “Urban Center” land use designation. The Kapa‘a Town Development Plan also designates the property as “Urban Center”.

The lands surrounding the property to the north is designated as “Residential” and “Urban” by the County General Plan.

The Property is contiguous to existing urban lands to the south and across the bypass road. These existing urban lands are zoned urban by the County of Kaua‘i.

### 3. Lands with Satisfactory Topography, Drainage, and Reasonably Free From the Danger of any Flood, Tsunami, Unstable Soil Condition, and Other Adverse Environmental Effects.

The Property slopes gently down from north to south, with elevations ranging from 130 to 55 feet. As indicated by the Flood Insurance Rate Map for the County of Kaua‘i, the Property is located within Zone X, which is an area of minimal flooding according to the Federal Emergency Management Agency.

A Drainage Report has been completed. The Property is not subject to tsunami, unstable soil conditions or other adverse environmental effects that would render it unsuitable or inappropriate for the proposed development.

The Property rises in elevation to the northern border approximately 130 feet above msl or an average upslope of 5%. Less than 25 percent of the Property has slopes in the 20 percent range.

### 4. Lands Contiguous with Existing Urban Areas Shall be Given More Consideration than Non-Contiguous Land, and Particularly when Indicated for Future Urban Use on State or County General Plans.

As noted in the “Kawaihau Planning District Land Use Map” included in the Kaua‘i General Plan, the subject property has an “Urban Center” land use designation. The Kapa‘a Town Development Plan also designates the property as “Urban Center.”

The lands surrounding the property to the north is designated as “Residential” and “Urban” by the County General Plan.

The Property is contiguous to existing urban lands to the south and across the bypass road. These existing urban lands are zoned urban by the County of Kaua'i.

5. Lands in Appropriate Locations for New Urban Concentration and Consideration to Areas of Urban Growth as Shown on State and County General Plans.

The Kaua'i General Plan and the Kapa'a Town Development Plan designates the Property as "Urban Center". Lands to the north and east of the Property are designated as "Residential" and "Urban" by the County General Plan.

The Kapa'a urban center is to the south of the Property. Therefore, the Property is an appropriate location for new urban concentration.

The Kaua'i General Plan is the primary policy directing long-range development, conservation, and the use and allocation of land and water resources in the County of Kaua'i.

The General Plan establishes through maps and text geographic areas of the County which are intended to be used for various general purposes such as agriculture, resorts, urban communities, and preservation of natural, cultural and scenic resources.

The Subject parcel has a County land use designation of Urban.

The General Plan states:

"One of the key policies in the Framework for preserving Kaua'i's rural character is to promote growth and development in compact urban areas. Urban lands comprise only four to five percent of Kaua'i's land area, leaving 55 percent in conservation and 40 percent in agriculture."

The Kaua'i General Plan states that land use policies for preserving Kaua'i's rural character include, "Enhance Urban Centers and Towns and maintain their identity by defining the Town Center and the edges of each Town. Concentrate shopping and other commercial uses in Town Centers. Encourage residential development within Urban and Town Centers and in Residential Communities contiguous to them."

The Kaua'i General Plan sets policy for urban land use designations. Policy 5.4.1.1 states:

- (a) Lands included within the Urban Center designation shall be centers of government, commerce and transportation that serve the entire county or a large region. Uses may include shopping centers, government offices, churches and other institutions, office complexes, and industrial facilities. Residential or resort uses may also be located within the Urban Center designation, where compatible.
- (b) Urban Center areas are typically served by wastewater collection and treatment facilities and major roads. Urban Center lands may be zoned for any type of use, including General Commercial, General Industrial, Resort and Residential.

The following are policies to provide for growth and development while preserving rural character, as described in the Kaua'i General Plan:

- (a) Allow incremental growth of Towns, contiguous to existing development. Concentrate primary shopping facilities within the Town Center. Support infill development.

- (b) Provide for build-out of existing Residential Communities, to include areas zoned R-1 or higher. Allow small, neighborhood-oriented commercial sites in Residential Communities.
- (e) Expansion contiguous to an existing town or residential community is preferred over a new residential community.
- (f) Allow build-out of properties in existing low-density agricultural communities, including the homestead areas of Wailua, Kapa‘a, ‘Ōma‘o and Kalāheo and existing agricultural subdivisions in other parts of the island, while taking measures to assure the adequacy of County road, drainage and water supply systems.

In a 2010 letter to the HoKua Place (formerly known as Kapa‘a Highlands II), the Planning Director wrote: “We are writing in general support of Three Stooges LLC’s petition to amend 97-acres in Kapa‘a to the Urban district. The proposed amendment is in conformance with the County of Kaua‘i’s General Plan and will provide 231 units of affordable housing. Affordable housing remains an acute need on Kaua‘i, even with a falling real estate market and as such the County is generally supportive of any petition that proposes additional affordable housing, particularly when contiguous to developed urban areas, infrastructure and consistent with our General Plan.”

6. May Include Lands Which Do Not conform to the Standards in Paragraphs (1) to (5) of LUC Rules § 15-15-18: (A) When Surrounded by or Adjacent to Existing Urban Development; and (B) Only When Those Lands Represent a Minor Portion of this District.

HoKua Place believes the Property conforms to the standards in paragraphs (1) to (5) of LUC Rules § 15-15-18, it should be noted that the Property is in a general area of existing and planned urban development. Furthermore, the Property (97 acres) represents a minor portion of the Agriculture District on the island of Kaua‘i.

7. Shall Not Include Lands, the Urbanization of Which Will Contribute Toward Scattered Spot Urban Development, Necessitating Unreasonable Investment in Public Infrastructure or Support Services.

Urbanization of the Property will not contribute to scattered spot urban development.

The Property is located adjacent to Kapa‘a town and in close proximity to the existing residential properties and urban uses.

The County sewer treatment plant is located in Kapa‘a. It has a capacity of 1.5 million gallons a day. It is currently operating at 500,000-gallons a day. HoKua Place will be contributing to the deferred maintenance and to the cost of repairs to the sewer treatment plant. An existing sewer transmission line has adequate capacity for HoKua Place, 300,000 gallons daily use and is gravity feed.

With respect to solid waste, the County of Kaua‘i currently provides single-family residences with solid waste disposal service on a once-per-week basis. Private solid waste disposal will be available for the multi-family projects. A refuse transfer station is located in Kapa‘a town. The Central Kaua‘i Landfill is currently in the process of being expanded and has the necessary capacity to accommodate the proposed development.

A Water Master Plan has been approved, in concept, by the County Department of Water (DOW). HoKua Place (formerly known as Kapa‘a Highlands II) has a proven well site that will be dedicated to the

DOW to feed the Department of Water's storage tanks. HoKua Place is committed to working with the DOW on pertinent water issues during the design and development phase.

The Property adjoins the Kapa'a By-Pass Road to the south and Olohena Road to the east and the north side.

The by-pass road is owned by the HoKua Place which is working with the Department of Transportation (DOT) and has been allowing for the continuous public use of the road.

The by-pass road will be dedicated to DOT upon final subdivision approval. The DOT has stated, "We have met with the petitioners, Three Stooges LLC, and we will work with them to ensure that any traffic impacts from the project are analyzed and effectively mitigated."

There is a round-about located at the south east corner of Olohena Road and the Kapa'a By-Pass Road. Kūhiō Highway is accessible from the Property by driving south on Olohena and Kūkuī Street approximately 0.5 mile. The project will have a complete multi-modal roadway from the Kapa'a By-Pass Road running north through the Property to Olohena Road.

A couple of bus stops will be located along the roadway. A bike/walking path is proposed from the south of the property to the Kapa'a Middle School located on the North portion of the Property.

Electrical, cable and telephone services are available for all of HoKua Place. Transmission lines to the property by the respective utility companies may be required.

Adjoining the subject property is the HoKua Farm Lots project (formerly known as Kapa'a Highlands I). It has a 1.18 mega-watt solar facility which currently is the second largest solar facility serving Kaua'i.

Police protection for the Kapa'a area is provided by the Kaua'i County Police Department, with its main headquarters located in Līhu'e. A substation is located in Kapa'a Town approximately 0.5-miles away from the Property.

Fire protection is currently available for the Kapa'a area by a county fire station located in Kapa'a town approximately 2.0-miles away on Kūhiō Highway. The project will also have lands available for county police and fire substations, if needed.

Thus, the proposed development will not necessitate unreasonable public investment in infrastructure facilities or public services.

8. May Include Lands with General Slope of Twenty Percent or More if the Commission Finds that those Lands are Desirable and Suitable for Urban Purposes and that the Design and Construction Controls, as Adopted by any Federal, State or County Agency, are Adequate to Protect the Public Health, Welfare and Safety, and the Public's Interest in the Aesthetic Quality of the Landscape.

The southern border of the Property, along the by-pass road, is elevated approximately 55 feet above msl. The Property rises in elevation to the northern border approximately 130 feet above msl or an average upslope of 5%. Less than 25 percent of the Property has slopes in the 20 percent range.

With creative designs, landscaping, and strict adherence to governing design and construction controls, the project will protect public health, welfare and safety, and the public's interest in the aesthetic quality of the landscape.

### **5.2.3 Environmental Review, HRS Chapter 343 and HAR Section 11-200**

HRS Chapter 343, the State of Hawai'i Environmental Review Law, requires that any proposed use within a conservation district, use of State land or use of State funds be subject to review. The statute and rules establish a system of environmental review and provide that environmental concerns are considered for all proposed actions on State and county lands.

As part of this review, this EIS has been prepared to ensure that environmental concerns are given appropriate consideration in decision making, along with economic and technical considerations.

### **5.2.4 State Environmental Policy, HRS Chapter 344**

The broad goals of this policy are to conserve natural resources and enhance the quality of life in the State. It encourages productive and enjoyable harmony between people and their environment to promote efforts which will prevent or eliminate damage to the environment and biosphere, stimulate the health and welfare of humanity, and enrich the understanding of the ecological systems and natural resources important to the people of Hawai'i.

HoKua Place will abide by the guidelines promulgated by HRS §344-4(1)–(10), including, but not limited to, encouraging management practices which conserve natural resources and encouraging the efficient use of energy resources.

### 5.3 Sustainability Principles

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As noted in the HoKua Place (formerly known as Kapa‘a Highlands II) Sustainability Plan, HoKua Place will be a sustainable community and will incorporate the following:

#### **Sustainability Programs and Plans:**

In developing this HoKua Place Sustainability Plan, a variety of recognized sustainability programs and plans were reviewed, summarized and incorporated into this plan. In part, the recommendations from these programs and plans serve as guides to the sustainability actions noted in this Plan. These include:

- Smart Growth
- SmartCode
- Hawai‘i 2050 Sustainability Plan (Hawai‘i 2050)
- OEQC Sustainable Building Design Guidelines
- Hawai‘i BuiltGreen Program
- US Green Building Council Leadership in Energy and Environmental Design (LEED)
- ENERGY STAR Program
- Whole Building Design Guide (WBDG,) of the National Institute of Building Sciences
- EPA Low Impact Development
- One Planet Living
- Complete Streets

There are several consistent principles and themes that run through the various programs and plans. While some are broad-based and include several of these, others are focused on single issues.

Following are some of the consistent messages found in these programs and plans:

- Soft touch on the land
- Respect and protection of natural and cultural resources
- Use of natural elements (shading, ventilation, lighting, etc)
- Diversity of land uses, housing types, prices
- Live, work, play, shop and learn
- Walking, bicycle and transit transportation focused
- Reuse and minimization of waste
- Renewable and efficient electric
- People and community focused

HoKua Place will implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design, environmental stewardship and protection of the natural and cultural resources into the project. These actions are in part, based on the recommendations noted in the following sustainability programs and plans.

#### **Natural and Cultural Resources:**

No archaeological or cultural historic sites are known to exist on the property.

Brief discussions separately with historians of the subject area, Randy Wichman and Walter Smith concluded that the subject property has been in sugar cultivation since the 1800s until the early 1990s. They concurred that the subject land was consistently cultivated for sugar for nearly a hundred years.



Albert Fukushima and Stanly Vasques who were employed by Līhu‘e Plantation and worked in the subject area, said that no evidence of artifacts, bones, or other indicators of previous historic on-site activity were uncovered during the cultivation of sugar.

Additionally, Willie Sanchez who started mowing the property in 1999 after Amfac Sugar sold the property, stated that he never saw any historical or cultural items on this property and that the agricultural water system was abandoned and the interior ditches were almost flat from non-use.

In 1995 SHPD stated for the “Site Selection EIS” for the adjacent Kapa‘a Middle School that the site may not be Archaeological or Historically rich because of the consistent cultivation of sugar for nearly a hundred years.

In the late 1999, the State Historic Preservation Division (SHPD) issued a letter of “no significance” to the potential developer at that time.

Should any archaeologically significant artifacts, bones, or other indicators of previous historic on-site activity be uncovered during construction, HoKua Place is committed to their treatment being conducted in strict compliance with the requirements of SHPD.

**Land Use:**

Two primary planning documents address land use development in Kapa‘a, the General Plan of the County of Kaua‘i and the Kapa‘a-Wailua Development Plan.

The General Plan of the County of Kaua‘i (General Plan)

The General Plan of the County of Kaua‘i (“General Plan”) was adopted in 1971 and updated in November 2000. The General Plan is a statement of the County’s vision for Kaua‘i and establishes strategies for achieving that vision.

The General Plan contains six major themes, each with various policies for implementation. The major themes are as follows:

- a. Caring for Land, Water and Culture
- b. Developing Jobs and Businesses
- c. Preserving Kaua‘i’s Rural Character
- d. Enhancing Towns & Communities and Providing for Growth
- e. Building Public Facilities and Services
- f. Improving Housing, Parks and Schools

In particular, the proposed reclassification of the Property responds and conforms to Theme No. 6, Improving Housing, Parks and Schools. Market studies have shown that the population growth and correlating need and demand for housing is extremely high on Kaua‘i.

The proposed reclassification, which will allow residents to purchase an affordable house and lot as well as allow other residents to purchase a lot to design and build their own homes, will present an opportunity to address the critical community need for residential housing. It should also be noted that the proposed development will assist in maintaining a viable economy as construction-related employment opportunities for residents would be generated.

### Kapa'a-Wailua Development Plan

The Kapa'a-Wailua Development Plan outlines the regional issues and opportunities that will be subjects for future community planning. It is currently being updated.

A "Build-Out Analysis" of the Kapa'a-Wailua Basin was prepared in the General Plan Update. As of 1998, this area had an estimated 4,700 dwelling units, making it the largest residential community on Kaua'i.

Based on the General Plan Land Use Map designations, the analysis found that an additional 4,000 units could be developed if the General Plan-designated lands were fully zoned, subdivided and built out.

About 2,400 more units could be built in Urban Residential areas, about 500 more in Rural Residential areas and approximately 1,100 more units in the Agricultural areas. This would increase the housing units and population of the area by 85%.

The "Build-Out Analysis" specifically included the subject property as an "expansion area". The new General Plan Land Use Map designates the subject property as Urban Center.

The HoKua Place project conforms to and implements the policies of the Kaua'i General Plan by developing within the designated Urban District, contiguous to Kapa'a town and its neighboring residential community.

### **Sustainable Design Features:**

Several sustainability programs and plans identify and address a wide variety of design features that may be incorporated into a development project to enhance its sustainability. These items design features include:

- **Site Planning**
  - Respect for the Land – Work with topography
  - Siting - Proximity to mass transit, shopping, employment centers, recreation, schools
  - Interconnectivity – Connection with neighbors, Multi-modal transportation
  - Intensity of Layout – Village Center; Clustering into compact villages
  - Natural/Cultural Resources – Protection of natural and cultural resources
  
- **Improvements Planning**
  - Alternatives – Provide a range of housing options at various price levels
  - Orientation – Ventilation; Take advantage of natural air flow
  - Shading – Eave overhang; Vegetation
  - Landscaping – Native plants; Low irrigation
  - Energy Efficiency

The objectives of HoKua Place are to create an attractive master-planned residential community with a variety of housing opportunities and mixed uses, as well as recreational resources.

### **Transportation:**

The Property adjoins the Kapa'a By-Pass Road to the south and Olohena Road to the east and the north side.

The by-pass road is owned by the HoKua Place which is working with the Department of Transportation (DOT) and has been allowing for the continuous public use of the road. The by-pass road is in the process of being dedicated to DOT. The agreement of transfer will include that all mitigating measures will be the shared responsibility of DOT and HoKua Place.

There is a round-about located at the south east corner of Olohena Road and the Kapa'a By-Pass Road. Kūhiō Highway is accessible from the Property by driving south on Olohena and Kūkuī Street approximately 0.5-mile.

The project will have a main roadway from the Kapa'a By-Pass Road running north through the Property to Olohena Road. The roadway will follow the county's resolution for complete roads and as such will be a multi-modal roadway.

A couple of bus stops will be located along the roadway. A bike/walking path from the round-about south east of the property will follow the bypass road, connect to the main road and continue to the Kapa'a Middle School located on the North portion of the Property.

HoKua Place is committed to Multi-modal, Interconnected and Concurrent Transportation for its residents and community.

HoKua Place will include bus stops, sidewalks and a bike and walking path connecting from Kapa'a Middle School down through the development to the round-about, facilitating green travel to and from Kapa'a's town core.

HoKua Place will incorporate a system of interconnected roads that will provide residents alternative transportation routes within the project. The internal circulation pattern will provide safe and convenient choices for drivers, bicyclists and pedestrians.

Additional sustainable connectivity concepts including bikeways and walkways to and from the planned County pool, neighborhood commercial areas, the middle school and Kapa'a's town core.

Through recent legislation, the State of Hawai'i Department of Transportation (HDOT) and county transportation departments are required to ensure the accommodation of all users of the road, regardless of their age, ability, or preferred mode of transportation. In addition, the concept of "Complete Streets" is prioritized where:

“(T)ransportation facilities ... are planned, designed, operated and maintained to provide safe access and mobility for all users, including bicyclists, pedestrians, transit riders, freight and motorists”.

**Economic Opportunities:**

HoKua Place provides significant, on-going economic and fiscal benefits for residents of Kaua'i, as well as for the County and State governments.

Development of facilities would generate employment and consequently income and taxes. In addition, by providing the opportunity for new residents to the Island of Kaua'i and generating additional real estate sales activity, the Project is expected to support long-term impacts, including additional consumer expenditures, employment opportunities, personal income and government revenue enhancement.

On a short-term basis, the proposed development will have a direct beneficial impact on the local economy during construction through construction and construction-related employment. It should also be noted that the proposed development will assist in maintaining a viable economy as construction-related employment opportunities for residents would be generated.

Over the long term, the residential homeowners will require various services related to home maintenance and improvement that will further support the local economy.

#### On-Site Employment Generators

HoKua Place proposes two areas for commercial uses that, ultimately, will serve to promote and provide a variety of job opportunities. A 1.4-acre parcel is proposed for commercial uses such as a country store and small personal service type uses are anticipated. A 1-acre site on the Makai side of the Kapa'a Bypass Road is also proposed for commercial development or for use as sub-stations for the police and/or fire department

#### **Open Space and Parks:**

HoKua Place holds respect for the environment by interlinking natural features and open space as core components of the community.

There are several parks within Kapa'a town, including a beach park. A County owned 1.9-acre park is located within walking distance from the Property, just south east of the corner of Olohena Road and the by-pass road round-about. The park consists of a baseball field, football field, basketball courts, restroom facilities, picnic tables and a barbecue area.

Open space, parks and open greenway areas encompassing 14.3-acres will be developed within the HoKua Place project. A 3.1-acre park is proposed within the project for outdoor recreation.

Land for the proposed relocation of the Kapa'a county swimming pool will be available within the 3.1-acre park. The provision of a 3.1-acre park with a county swimming pool within the proposed development will provide residents with an opportunity for leisurely recreational activities.

HoKua Place conforms with HRS § 205-a-2(B) (3) (A) which states that CZM's objective is to "protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources."

No scenic, historic, cultural spaces exist or will be created on the subject site and the site is well away from the shoreline. There are no natural wildlife, forest, marine, or unique ecological preserves on or near the subject site.

Thus, open space and recreation will not be adversely affected. Park and beaches of Kapa'a are within walking distances from the project.

The proposed project will not adversely impact scenic or open space resources. The proposed project will not involve significant alteration of the existing topographic character of the site and will not affect public views to and along the shoreline.

### **Water Management:**

As an overarching philosophy in all source alternatives, HoKua Place is committed to water conservation strategies to reduce consumption, conserve resources and minimize water use. The goal is to reduce the total water use through a combination of water saving equipment and strategies.

A number of measures may be implemented to facilitate user-end conservation, including water restrictions during drier periods, public education and more efficient landscaping practices. Consumption could be significantly reduced through end-user conservation.

Efficient fixtures and appliances will reduce indoor water use. The water distribution system will be maintained to prevent water loss and homeowners and businesses will be encouraged to maintain fixtures to prevent leaks.

Landscaping will emphasize climate-adapted native and other appropriate plants suitable for coastal locations. Best management practices will be designed and implemented to minimize infiltration and runoff from daily operations.

HoKua Place will incorporate the following water conservation strategies.

**High efficiency toilets:** (HETs) reduce flush volumes by no less than 20% compared to conventional ultra-low flow (ULFT) toilets. Dual-flush HETs allow users to choose one of two flushes: liquids or solids. In actual operation, dual-flush HETs average about 1.2 to 1.4 gpf. Pressure-assist HETs use a pressurized tank that creates for a more forceful flush with less water.

**Faucets:** Water flow is reduced by **Flow limiters** which are built into the faucet or are installed as after-market fittings. Aerators or laminar flow devices are types of flow limiters.

- Aeration injects air into the stream of water, displacing much of the water content.
- Laminar flow uses multiple small diameter parallel streams of water that are not aerated.

**Flow control valves** can limit water flow down to 1.5 to 0.5 gpm per side (hot and cold).

**Showerheads:** Federal law since 1994 mandates that all showerheads sold in the United States use 2.5 gpm or less. Despite this, some showerheads actually use much more than 2.5 gpm, and shower towers that include multiple showerheads or jets can total 12.5 gpm or more. A better option is a good quality low-flow showerhead designed to use 2.0 gpm or less while providing a satisfying shower.

**Water conserving and Low impact landscaping:** Landscaping shall be of native trees, shrubs and flowering plants as encouraged by the Kaua'i Department of Water as part of their recommendations for water conservation. Selection and distribution of plants must be carefully planned when designing a functional landscape. Aesthetics are a primary concern, but it is also important to consider long-term maintenance goals to reduce inputs of labor, water and chemicals. Properly preparing soils and selecting species adapted to the microclimates of a site greatly increases the success of plant establishment and growth, thereby stabilizing soils and allowing for biological uptake of pollutants.

### **Energy Management:**

Pursuant to Chapter 344 (State Environmental Policy) and Chapter 226 (Hawai'i State Planning Act), HRS, all HoKua Place activities, buildings and grounds will be designed with emphasis on energy conservation and efficiency.

Efficient design practices and technologies will be the cornerstone of HoKua Place’s design phase. Buildings within HoKua Place will further comply with the County of Kaua’i Energy Conservation Code (Kaua’i County Ordinance 890).

Furthermore, solar water heaters will be utilized, as made requisite under Section 196-6.5, HRS.

HoKua Place will confer with KIUC in regards to suggestions and proposals for customized demand-oriented management programs offering rebates for the installation of alternative energy efficient technologies and measures.

HoKua Place is committed to renewable energy and energy efficiently as ways to reduce environmental harm and self sufficiency. HoKua Place will continue to improve programs and create new programs as the development is initiated.

Residents of the State of Hawai’i pay the highest electricity rates in the US. The average American paid 10.5 cents/kWh in 2010. In the state of Hawai’i, O’ahu currently has the lowest residential electricity rates, while Lāna’i has the highest. Residential rates on Kaua’i average between 40-45 cents/kWh.

Hawai’i relies on imported oil for approximately 76% of its total electricity production. The price variation across the state is largely a result of difference in power plant efficiencies, power purchasing agreement and other infrastructure.

	Kaua’i	Oahu	State
Medium Income (2009)	\$55,723	\$67,019	\$63,741
Electricity Price (May 2011)	44.27 cents/kWh	30.1 cents/kWh	-

The Kaua’i Island Utility Cooperative (“KIUC”) is the sole electric utility on Kaua’i. KIUC began serving the people of Kaua’i on November 1, 2002, when it purchased Kaua’i Electric from Connecticut-based Citizens Communications. KIUC is America’s newest electric cooperative, but it’s by no means the only one. It is one of approximately 900 electric cooperatives serving electric consumers in 47 states.

Like all cooperatives, KIUC operates as a not-for-profit organization that is owned and controlled by the people it serves. KIUC serves over 23,300 customers with 92% of KIUC’s electricity coming from the burning of imported fossil fuels.

In 2009, the State Legislature codified the need for energy efficiency by enacting the statewide energy efficiency portfolio standard with a target of reducing energy consumption by 30% of forecasted energy consumption by 2030 (4,300 GWh) and beginning the process for separating efficiency from the existing renewable portfolio standard.

To reduce net energy consumption and demand, HoKua Place will consider the implementation of elements of the United States Environmental Protection Agency (EPA) Energy Star Program; including efficient insulation, high performance windows, compact construction, efficient ventilation systems, and energy efficient lighting elements and appliances.

HoKua Place will furthermore seek to harness energy conservations and technologies to facilitate the possibility of net energy metering in building design to empower residents and tenants to reduce their electricity costs and provide energy back to the grid.

Energy conservation and efficiency measures will be implemented and emphasized where applicable in the design of HoKua Place. Energy-efficiency technologies to be considered where feasible include:

- Solar energy for water heating
- Photovoltaic systems, fuel cells, biofuels and other renewable energy sources
- Optimal utilization of daytime sunlight
- High efficiency light fixtures
- Roof and wall insulation, radiant barriers and energy efficient windows
- Optimized air-flow
- Installation of heat resistant roofing
- Intelligent Landscaping to provide for shading, dust control, and heat-mitigation
- Portable solar lighting (i.e. parking lots)

#### **Health:**

Through the layout and design of HoKua Place, there is an overall opportunity for a positive effect on the health of its residents. Communities that make it easy and safe to walk and ride bikes are opening the door to a wide range of health benefits for their residents by reducing barriers to being physically active and helping individuals integrate physical activity into their daily lives.

Active living is a way of life that integrates physical activity into daily routines. For individuals, the goal is to get a total of at least 30-minutes of activity each day by, for example, walking, bicycling, playing in the park, working in the yard, taking the stairs or using recreation facilities.

For communities, the goal is to provide opportunities for people of all ages and abilities to engage in routine physical activity and to create places and policies that encourage better physical health. Such places within HoKua Place include, open space, parks and open greenway areas encompassing 14.3-acres, a 3.1-acre park for outdoor recreation and land for the proposed relocation of the Kapa'a county swimming pool which will provide residents with an opportunity for leisurely recreational and physical fitness activities.

#### **Education:**

Schools servicing the project include Kapa'a Elementary, Kapa'a Middle School and Kapa'a High School.

Kapa'a Middle School is adjacent and to the north of the property. Kapa'a High School and Elementary School, which share a campus, are located within 2-miles of the Property.

Kapa'a Elementary School serves grads K-5 and is one of the largest elementary schools in the state. It shares a campus with Kapa'a High School.

The DOE reports that Kapa'a Elementary School's capacity is 1,373 students, and the 2009/2010 school year enrollment was 827 students.

Kapa'a Middle School, with facilities for 1,059 students, was opened in 1997 and has an enrollment of 652 students.

Kapa'a High School currently has a student body numbering 1,033 with a capacity of 1,445.

HoKua Place will generate increased demand on student enrollment within the region. HoKua Place will coordinate with the DOE to ensure that the DOE's facility assessment policy provisions are appropriately addressed.

Additionally, a 3.1-acre park is proposed adjacent to the existing Kapa'a Middle School. The park will have an area for the county's proposed relocation of the Kapa'a county swimming pool. HoKua Place also plans to develop a bike/walking path from the south of the property to the Kapa'a Middle School to facilitate biking and walking around the development.

**Housing:**

HoKua Place is a well-located master planned project on the Island of Kaua'i targeting primary housing demand from local and in-migrant families, as well as offshore second home demand for view estate ownership.

Located in the eastern urban core of the island, the project is close to the centers of employment and resort activity, plus the airport, beaches, shopping, recreation, etc. It sits above the historic town of Kapa'a and below the foothills of the mountain chain that forms the island.

The proposed development, HoKua Place, will utilize 97-acres of land for single-family and multi-family residential and commercial purposes. Development of the Property will address a portion of the significant demand for affordable housing in the County of Kaua'i, without significantly affecting reserve areas for foreseeable urban growth.

HoKua Place will respond to varying spectrums of demand for housing within Kaua'i by providing a wide range of housing opportunities inclusive of affordable housing alternatives. HoKua Place will seek to create and sustain a mixed-income community allowing for unparalleled social diversity.

Affordable housing demands exhibited a significant upward trend over the last several years. Recent market studies have indicated a current shortage of single-family housing in the East Kaua'i area.

The forecast is that demand for housing will continue to increase, especially in the area of affordable housing.

The proposed development will assist in alleviating some of the current supply-and-demand pressures on Kaua'i's current housing market by providing a variety of additional housing products and opportunities for long-term local residents.

The Kawaihau Planning District has substantial capacity for additional residential development, as described in Section 6.2.3.1 (Build-Out Analysis) of the Kaua'i General Plan.

"Lands previously designated for urban use but as yet mostly undeveloped include an area located near Kapa'a, south of Olohena Road. This area was previously designated for Urban Mixed Use and is shown as Urban Center on the new GP Land Use Map. Owned partly by the State and partly by Amfac/JMB (or its successor), this "expansion area" for Kapa'a has already accommodated the Kapa'a Middle School."

In a 2010 letter to the applicant, the Planning Director wrote

"We are writing in general support of Three Stooges LLC's petition to amend 97-acres in Kapa'a to the Urban district. The proposed amendment is in conformance with the County of Kaua'i's



General Plan and will provide 231 units of affordable housing. Affordable housing remains an acute need on Kaua'i, even with a falling real estate market and as such the County is generally supportive of any petition that proposes additional affordable housing, particularly when contiguous to developed urban areas, infrastructure and consistent with our General Plan."

**Social:**

A community is composed of people, as well as places where they live; it is as much a social environment as a physical development. Thus, communities must not only be environmentally sustainable, they must also be socially sustainable.

A socially sustainable development supports more equitable distribution of resources, supports diversity within the community, meets the basic needs of residents and invests in social and human capital, thereby sustaining the quality of life and community livability for all residents into the future.

We saved the concept of Social Sustainability for the end of the analysis, to serve as a summary of the many socially-focused actions suggested about the project within the Sustainability Plan. Following are just a few of the issues previously mentioned that address and support the resource, the people and the community:

- Affordable housing will be incorporated within the development, allowing for a diversity and mix of housing types and options
- Complete streets with walkways and bike lanes, allowing for slow movement through the neighborhoods for easy social interaction
- Space for the relocated County swimming pool
- Allocation for commercial spaces, affording project residents the opportunity to work near where they live
- Proximity to the Middle School affords multi-generational interaction and learning
- Cooperation with the State by making land available for the Kapa'a Bypass Road, helping regional residents
- Project layout and design will create an opportunity for both residents and the community to have a positive effect on their health through walkable and bikable transportation options.
- Consistency with long range planning documents, implementing the community's vision for the future

## 5.4 Agricultural Uses

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Section 205-4.5 uses the Land Study Bureau's (LSB) soil classification productivity rating system to determine which lands are to be governed by the Chapter. The LSB ratings for HoKua Place are B, C, D and E. Land classification ratings A and B are restricted to the permitted uses as outlined in the section. The cultivation of crops and the raising of livestock are permitted uses. Uses on C, D and E lands also include crop cultivation and the raising of livestock.

While the property previously was cultivated in sugar, the climate and soils at HoKua Place are not ideal for the growing of most commercially viable crops due to the poor soil, strong trade winds and the salt spray from the ocean. Thus, a goat livestock operation provides an economically alternative agricultural use for the property.

Either the Association operation of a livestock project, or a contractual relationship between the Association and a livestock Contractor, would allow the agricultural component of the property to be managed as one unit. Individual lot owners would also have the option of compliance with alternate methods of livestock grazing or with the cultivation of agricultural crops, provided they obtained the approval of the Planning Commission of the County of Kaua'i, Subdivision Committee, for an amendment to this Agricultural Master Plan for such alternative agricultural activities.

Livestock grazing is a permissible use within the agricultural districts as outlined under HRS Chapter 205. Section 205-4.5.

Livestock (goats) can be raised successfully at HoKua Place. Climate conditions will allow for normal pasture rotation the year around. The ratio of livestock to fenced pasture should be 3-animal units (AU) to 1-acre or better.

## **5.5 Federal “Cross-Cutting” Authorities**

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The State of Hawai'i Drinking Water State Revolving Fund program was established by the 1997 State Legislature as the result of the 1996 Federal amendments to the Safe Drinking Water Act. This program provides low interest loans for the construction of drinking water infrastructure projects. These projects help achieve or maintain compliance with drinking water standards, protect public health and the environment.

Since various water-related actions are proposed, this additional review and analysis is included. The following sub-sections address the proposed project's relationship to other “cross-cutting” environmental, economic, social and miscellaneous federal authorities as required by the State of Hawai'i's Drinking Water State Revolving Fund (DWSRF) program.

### **5.5.1 Environmental Authorities**

#### **Archaeological and Historic Preservation Act (16 U.S.C. § 469a-1)**

This Act became law on June 27, 1960 (Public Law 86-523, 16 U.S.C. 469-469c-2). It is the purpose of this Act [16 U.S.C. 469-469c-1] to further the policy set forth in the Act entitled, “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes,” approved August 21, 1935 [Historic Sites Act, as amended, 16 U.S.C. 461-467] by specifically providing for the preservation of historical and Archaeological data (including relics and specimens) which might otherwise be irreparably lost or destroyed as the result of (1) flooding, the building of access roads, the erection of workmen's communities, the relocation of railroads and highways, and other alterations of the terrain caused by the construction of a dam by any agency of the United States, or by any private person or corporation holding a license issued by any such agency or (2) any alteration of the terrain caused as a result of any Federal construction project or federally licensed activity or program.

Should historic remains be encountered during construction activities, work will cease in the immediate vicinity of the site and the State Historic Preservation Division will be contacted for appropriate mitigation, if necessary. Consequently, the proposed actions are in compliance with the Act.

#### **Clean Air Act (42 USC 7401)**

The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes EPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. One of the goals of the Act was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards.

All applicable emission and ambient air quality standards will be met. Construction and normal operation of the proposed development will not produce on-site air emissions, will not alter air flow in the vicinity and will have no other measurable effect on the area's micro-climate. Consequently, the proposed project complies with the provision of the Clean Air Act.

### **Coastal Zone Management Act, 16 U.S.C. 1456 (c) 2**

The Federal CZM Program was created through passage of the CZM Act of 1972. In that act, the Congress stated that it is the national policy to preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone for this and succeeding generations; and to encourage and assist the states to exercise effectively their responsibilities in the coastal zone through the development and implementation of management programs to achieve wise use of the land and water resources of the coastal zone, giving full consideration to ecological, cultural, historic, and esthetic values, as well as the needs for compatible economic development.

The Hawai'i CZM program was established in 1977 (through Chapter 205A, Hawai'i Revised Statutes). §205A-2 Coastal zone management program objectives include:

- (1) Recreational resources; Provide coastal recreational opportunities accessible to the public.
- (2) Historic resources; Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.
- (3) Scenic and open space resources; Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.
- (4) Coastal ecosystems; Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.
- (5) Economic uses; Provide public or private facilities and improvements important to the State's economy in suitable locations.
- (6) Coastal hazards; Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.
- (7) Managing development; Improve the development review process, communication and public participation in the management of coastal resources and hazards.
- (8) Public participation; Stimulate public awareness, education, and participation in coastal management.
- (9) Beach protection; Protect beaches for public use and recreation.
- (10) Marine resources; Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

The proposed project is not located on the coastline. None of the proposed actions involve the placement, erection or removal of materials near the coastline. The type and scale of the activities that it involves typically do not have the potential to affect coastal resources. Finally, it is consistent with the CZM objectives that are relevant to a project of this sort.

### **Coastal Barrier Improvement Act (Coastal Barrier Resources Act), 16 U.S.C. 3501**

The Coastal Barrier Resources Act designated various undeveloped coastal barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resources System. No coastal barriers are present in the State of Hawai'i.

This Act does not apply to the State of Hawai'i at this time; therefore the proposed project will not affect any areas protected by this Act.

### **Endangered Species Act, 16 U.S.C. 1536 (a) (2) and (4)**

Each Federal agency shall, insure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species which is determined by the Secretary

(after consultation as appropriate with affected States) to be critical, unless such agency has been granted an exemption for such action. In fulfilling the requirements of this paragraph each agency shall use the best scientific and commercial data available. Each Federal agency shall confer with the Secretary on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under section 1533 of this title or result in the destruction or adverse modification of critical habitat proposed to be designated for such species.

The area is not known to have rare and/or threatened flora and fauna. The project will abide by the guidelines promulgated by HRS §344-4(1)–(10) and other laws and regulations, including, but not limited to, encouraging management practices which conserve natural resources and encouraging the efficient use of energy resources; it is therefore in compliance with the Endangered Species Act.

#### **Environmental Justice, Executive Order 12898**

The Environmental Justice Executive Order was issued in 1994. To the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance Review, each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Marian Islands.

The proposed project is located within the community of Kapa‘a. The project proposes to develop housing for area residents. The project will have a positive effect by creating employment and housing opportunities for the community and State.

#### **Farmland Protection Policy Act, 7 U.S.C. 4202(8)**

On January 1, 1987, and at the beginning of each subsequent year, the Secretary of Agriculture shall report to the Committee on Agriculture, Nutrition and Forestry of the Senate and the Committee on Agriculture of the House of Representatives on the progress made in implementing the provisions of this subtitle. Such report shall include information on (1) the effects, if any, of Federal programs, authorities and administrative activities with respect to the protection of United States farmland; and (2) the results of the reviews of existing policies and procedures required under Section 4(a) of this subtitle.

Federal agencies identify and assess any adverse effects of their programs on the preservation of farmland. The assessment is done to evaluate project's relative impact on farmland in a region, county and state. It takes into account the acreage of farmland directly converted, the potential to indirectly convert agricultural land to non-agricultural uses, impacts to individual farms, and the relative size and importance of the farms affected.

The evaluation process derives an impact rating that varies from 0 to 260 points. If an alternative receives a total score equal to or greater than 160 points, alternatives that avoid farmland must be considered.

“Farmland,” as used in the FPPA, includes prime farmland, unique farmland and land of statewide or local importance. “Farmland” subject to FPPA requirements does not have to be currently used for cropland. It can be forestland, pastureland, cropland or other land, but not water or urban built-up land.

While the property previously was cultivated in sugar, the climate and soils at HoKua Place are not ideal for the growing of most commercially viable crops due to the poor soil, strong trade winds and the salt spray from the ocean. Thus, a goat livestock operation provides an economically alternative agricultural use for the property.

As such, the project is in compliance with FPPA.

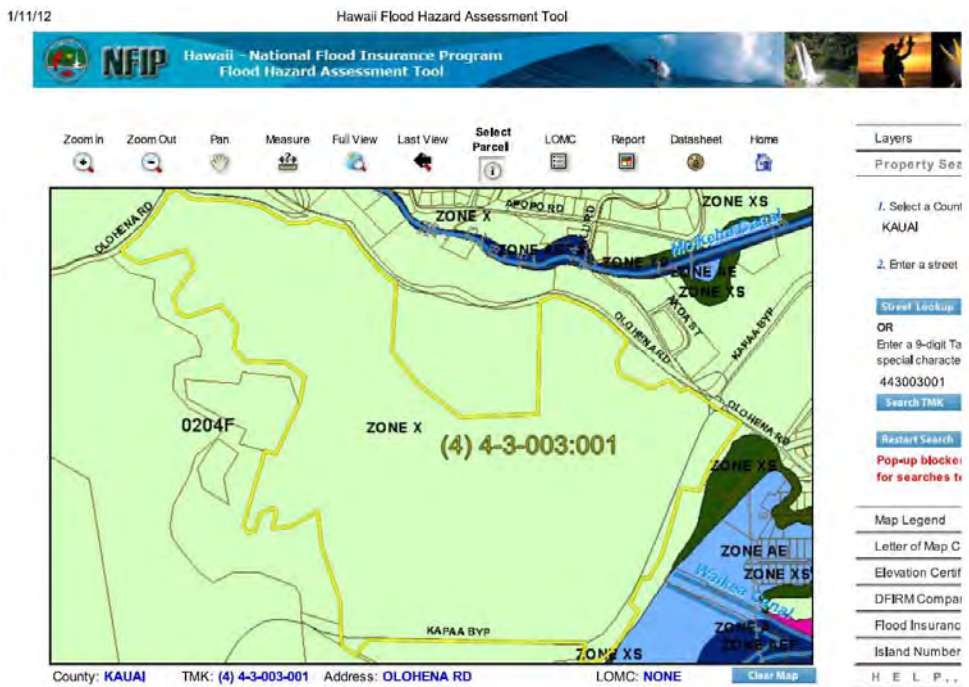
**Fish and Wildlife Coordination Act (16 U.S.C. § 661)**

The Fish and Wildlife Coordination Act was enacted for the purpose of recognizing the vital contribution of our wildlife resources to the Nation and to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs. The Fish and Wildlife Coordination Act, as amended, authorizes the Secretaries of Agriculture and Commerce to require consultation with the Fish & Wildlife Service and the fish and wildlife agencies of States where the “waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted ... or otherwise controlled or modified” by any agency under a Federal permit or license. Consultation is to be undertaken for the purpose of “preventing loss of and damage to wildlife resources.”

The proposed project will not result in the diversion of any water body and is in compliance with the Act.

**Floodplain Management (Executive Order 11988, as amended by Executive Order 12148)**

Signed in 1977, Executive Order 11988 requires federal agencies to avoid to the extent possible the long and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, “each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities.” The amendment (EO 12148 transferred responsibilities to the Federal Emergency Management Agency (FEMA).



Based on the latest available (DLNR's on-line Flood Hazard Assessment Tool, accessed on January 11, 2012) Flood Insurance Rate Map for the area (Map 204F), shown above, the project site lies within Zone X. Zone X is described as areas outside of the 100- and 500-year floodplains with minimal flooding.

The project does not involve property acquisition, management, or construction within a 100-year flood plain (Zones A or V), and it does not involve a "critical action" within a 500-year flood plain. Consequently, it is consistent with applicable regulations and guidance relating to floodplain management.

#### **National Historic Preservation Act (16 U.S.C. § 470)**

This Act became law on October 15, 1966 (Public Law 89-665; 16 U.S.C. 470 et seq.). It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to:

- (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
- (2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;
- (3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;
- (4) contribute to the preservation of non-federally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;
- (5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and
- (6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

Should historic remains be encountered during construction activities, work will cease in the immediate vicinity of the site and the State Historic Preservation Division will be contacted for appropriate mitigation, if necessary. Consequently, the proposed actions are in compliance with the Act.

#### **Protection of Wetlands, Executive Order No. 11990 & Executive Order No. 12608**

Under this Executive Order (signed in 1977,) each Federal agency must provide leadership and take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands.

Each agency must avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds: there is no practical alternative to such construction; the proposed action includes all practical measures to minimize harm to wetlands that may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors (Section 2(a)). Each agency must also provide opportunity for early public review of any plans or proposals for new construction in wetlands.

Approximately 0.30-acres of the property (representing a statistically insignificant portion of the overall property) are identified as having "Marsh" soils classification. Characteristics of this soil type include "wet, periodically flooded areas" and "water stands on the surface." However, upon inspection of the site, there are no wet areas or any standing water.

The area identified with this soil type is situated entirely within the HoKua Farm Lots (formerly known as Kapa'a Highlands I) and is in the "Open Space" of the HoKua Farm Lots project. No construction is proposed in the project "Open Space."

Since no construction will occur in this area, there will be no harm, changes or loss of this area.

#### **Safe Drinking Water Act, 42 U.S.C. 300f)**

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The Act authorizes EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. The 1996 amendments to SDWA require that EPA consider a detailed risk and cost assessment, and best available peer-reviewed science, when developing these standards. State governments, which can be approved to implement these rules for EPA, also encourage attainment of secondary standards (nuisance-related). Under the Act, EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids.

All appropriate laws and regulations will be followed in the development and operation of the water system.

As identified by the U.S. Environmental Protection Agency, Region IX groundwater Office ([http://www.epa.gov/safewater/sourcewater/pubs/qrg\\_ssamap\\_reg9.pdf](http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_reg9.pdf), Accessed February 2011,) there are only two Sole Source Aquifers in Hawai'i. They are the Southern O'ahu Basal Aquifer on the Island of O'ahu and the Moloka'i Aquifer on the island of Moloka'i. There are no sole source aquifers on the Island of Kaua'i where the proposed project is located. The Project will not, therefore, affect sole source aquifers and is consistent with the Act.

#### **Wild and Scenic Rivers Act, 15 U.S.C. 1271-1287**

The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development. It encourages river management that crosses political boundaries and promotes public participation in developing goals for river protection. Rivers may be designated by Congress or, if certain requirements are met, the Secretary of the Interior. Rivers are classified as wild, scenic or recreational.



There are no designated Wild and Scenic Rivers in the State of Hawai'i at this time; consequently, the project is consistent with the provisions of the Wild and Scenic Rivers Act. (<http://www.rivers.gov/wildriverslist.html>, Accessed February 2011.)

**Essential Fish Habitat Consultation Process Under The Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801)**

The fish off the coasts of the United States, the highly migratory species of the high seas, the species which dwell on or in the Continental Shelf appertaining to the United States and the anadromous species which spawn in United States rivers or estuaries, constitute valuable and renewable natural resources. These fishery resources contribute to the food supply, economy and health of the Nation and provide recreational opportunities. A national program for the conservation and management of the fishery resources of the United States is necessary to prevent overfishing, to rebuild overfished stocks, to insure conservation, to facilitate long-term protection of essential fish habitats, and to realize the full potential of the Nation's fishery resources.

According to the Western Pacific Regional Fishery Management Council (WESPAC) in its *Fishery Ecosystem Plan for the Hawai'i Archipelago (2009)*, several areas of Essential Fish Habitat (EFH) and Habitat Areas of Particular Concern (HAPCs) in the Hawaiian Archipelago have been designated and approved by the Secretary of Commerce.

EFH and HAPC designations for Bottomfish and Seamount Groundfish, Crustaceans, Precious Corals, Coral Reef Ecosystems and Pelagic Management Unit Species (MUS) were approved by the Secretary on February 3, 1999 (64 FR 19068). EFH designations for Coral Reef Ecosystem MUS were approved by the Secretary on June 14, 2002 (69 FR 8336). Maps available at the National Marine Fisheries Service's Essential Fish Habitat Mapper website do not indicate any areas of EFH near the project area. ([http://sharpfin.nmfs.noaa.gov/website/EFH\\_Mapper/map.aspx](http://sharpfin.nmfs.noaa.gov/website/EFH_Mapper/map.aspx), Accessed February 2011.)

No aspect of the project will affect Essential Fish Habitat, as it does not affect or occur near the sea.

The following is a summary table noting the Environmental Federal Cross Cutting Authorities:

**Table 5.5.1.1 – Environmental Federal Cross Cutting Authorities**

<b>Environmental Authorities</b>	<b>Procedure</b>	<b>Responsible Agency</b>
Archaeological and Historical Preservation Act	Obtain review for all projects	State Historic Preservation Office
Clean Air Act	Coordinate to assure project conforms with state implementation plan	State Department of Health, Clean Air Branch
Coastal Barrier Resources Act	Obtain review if project is located on a coastal barrier island	State Coastal Zone Management Agency
Coastal Zone Management Act	Obtain review if project is located in coastal zone	State Coastal Zone Management Agency
Endangered Species Act	Obtain review by U.S. Fish & Wildlife Service for all projects	U.S. Fish & Wildlife Service
Environmental Justice	Are low income and minority groups affected?	U.S. Environmental Protection Agency

<b>Environmental Authorities</b>	<b>Procedure</b>	<b>Responsible Agency</b>
Floodplain Management	Obtain review if project is located in or affects 100-year flood plain	Federal Emergency Management Agency
Protection of Wetlands	Obtain review if project area contains wetlands	U.S. Army Corps of Engineers
Farmland Protection Policy Act	Obtain review if project area contains prime farmland	Natural Resources Conservation Service-State Conservationist
Fish and Wildlife Coordination Act	Obtain review for all projects	U.S. Fish & Wildlife Service
National Historic Preservation Act	Obtain review for all projects	State Historic Preservation Office
Safe Drinking Water Act	Obtain review if project could affect sole source aquifer	State Department of Health, Safe Drinking Water Branch
Wild and Scenic Rivers Act	Obtain review if project is in area with Wild and Scenic Rivers	National Park Service
Essential Fish Habitat consultation under Magnuson-Stevens Fishery Conservation and Mgmt Act	Obtain review if it will affect essential fish habitat	National Marine Fisheries Service (NMFS)

### 5.5.2 Economic Authorities

#### **Administration of the Clean Air Act and the Water Pollution Control Act with respect to Federal Contracts or Loans (Executive Order 11738)**

This Executive Order prohibits the provision of Federal assistance to facilities that are not in compliance with either the Clean Water Act or the Clean Air Act unless the purpose of the assistance is to remedy the cause of the violation.

HoKua Place will comply with the requirements of the Clean Water Act and the Clean Air Act.

#### **Demonstration Cities and Metropolitan Development Act of 1966, Pub.L. 89-754, as Amended (42 USC § 3331)**

To demonstrate compliance with this Act, the Hawai'i State Department of Health requires DWSRF assistance recipients to describe the proposed project's effect on local development plans.

HoKua Place will comply with all requirements.

#### **Procurement Prohibitions (Executive Order 11738, Section 306 of the Clean Air Act)**

This Executive Order requires recipients of Federal assistance to certify that they will not procure goods, services or materials from suppliers who are on the EPA's list of Clean Air Act violators.

HoKua Place will comply with all requirements.

**Procurement Prohibitions (Section 508 of the Clean Water Act)**

This Executive Order requires recipients of Federal assistance to certify that they will not procure goods, services or materials from suppliers who are on the EPA's list of Clean Water Act violators.

HoKua Place will comply with all requirements.