

**Exhibit N**

**Comment Letters, Scoping Letters and Letters of Support**

**Bernard P. Carvalho, Jr.**  
Mayor

**Gary K. Heu**  
Managing Director



**DEPARTMENT OF PUBLIC WORKS**  
**County of Kauai, State of Hawaii**  
4444 Rice Street, Suite 275, Lihue, Hawaii 96766  
TEL (808) 241-4992 FAX (808) 241-6604

**Larry Dill, P.E.**  
County Engineer

**Lyle Tabata**  
Deputy County Engineer

January 4, 2012

Vladmir P. Devens, Chairperson  
Land Use Commission  
Department of Business, Economic Development, and Tourism  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

**Subject:** Petition to amend the Land Use Boundary of certain lands situated at Kapa'a, Island of Kauai, State of Hawaii, consisting of 97 acres from the Agriculture and Rural District, to the Urban District, Tax Map Key No. (4) 4-3-003:001, Kapa'a Highlands, Three Stooges, LLC

Dear Chairperson Devens:

This letter is to inform you of the County of Kauai, Department of Public Work's (County) general support of the Kapa'a Highlands petition to amend 97 acres in Kapa'a to the Urban District. The proposed amendment is for the development of 231 affordable housing units. The County is generally supportive of petitions that will provide affordable housing units in a manner consistent with the Kauai County General Plan.

We have met with the Petitioners, Three Stooges LLC, and we will work with them to ensure that any impacts from the project are analyzed and effectively mitigated.

Please call me at (808) 241-4996 if you have any questions.

Very truly yours,

Larry Dill, P.E.  
County Engineer

cc: Greg Allen  
Mayor Carvalho

*An Equal Opportunity Employer*

December 30, 2011

I worked for Lihue Plantation from 1963-1984 in various jobs I worked in Kapaa 20, approximately 80-100 acres, of which TMK (4) 4-3-03-1 is a portion of this field. My father and uncles, also, worked in these fields in the 1930's-1970's I worked in Kapaa 20 every other year as a bulldozer driver pushing cane as a crane operator and with the Plow Department plowing this field AT NO TIME did we ever see or hear of anyone finding any human remains or gravesites in this field If you have questions or require additional information, please call me at 651-8978

To Whom It May Concern,

I Willie Sanchez was the first person to work in the area of TMK (4) 4-3-03-1 after Amfac Sugar sold the property. I started mowing the property in about 1999. The agricultural water system was abandoned and the interior ditches have become almost flat from non-use. I have never seen any historical or cultural items on this property. I mowed the property for about 5 years. The property is now overgrown with guinea grass and hale koa.

Willie Sanchez

Stanley Vasquez  
1737 Haina Rd  
Kapaa HI 96746

NEIL ABERCROMBIE  
GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
OFFICE OF THE COMPLEX AREA SUPERINTENDENT  
KAUAI SCHOOLS  
3060 Ewa Street, Room 305  
Lihue, Hawaii 96768

October 28, 2011

Mr. Greg Allen  
Kapaa Highlands Phase II Project  
Harbor Mall

Dear Mr. Allen:

This is a letter of support for the relocation of the County of Kauai, Kapaa Swimming Pool to the subdivision area of the Kapaa Highlands Phase II Project.

The project will provide an opportunity to have a recreational facility in an area away from the tsunami inundation zone due to the current location. The relocation of the Kapaa Swimming Pool will provide accessibility to swimming and recreational activities for the general population in the Kapaa area.

The proposed new location of the pool will be in close proximity to Kapaa Middle School for students, teachers and staff usage for educational purposes such as physical education, sports events, and water safety training.

The Kauai Complex Area supports your effort to relocate the pool. It will serve as an added resource to reach our educational and healthy Hawaii initiatives for our students in the Kapaa complex school area.

We look forward to reviewing your environmental studies to better understand the full impact of your proposed Kapaa Highlands Phase II Project.

Please feel free to call me at 274-3502 should you have any questions.

Aloha,

William N. Arakaki  
Kauai Complex Area Superintendent

cc: Mayor Bernard P. Carvalho, Jr.



P. O. Box 81 - Lihue, HI 96766  
phone 808.822.9447 ; fax 808.822.3075  
www.KauaiPath.org  
Pres@KauaiPath.org

registered 501(c)(3)

October 17, 2011

Commissioner Normand R. Lezy, Chairperson  
Land Use Commission  
Department of Business, Economic Development, and Tourism  
State of Hawaii  
PO Box 2359  
Honolulu, HI. 96804-2359

**RE: Petition to amend the Land Use Boundary of certain lands situated at Kapa'a, Island of Kaua'i, State of Hawaii, consisting of 97 acres from the Agriculture and Rural District to the Urban District, Tax Map Key No. (4)4-3-03:001. Kapa'a Highlands, Three Stooges, LLC**

Dear Commissioner Lezy,

Thank you for the opportunity for the Kauai Path, Inc. Board of Directors to offer our support for Kapa'a Highlands subdivision.

This proposed development as described to us by the developer appears to be consistent with smart, responsible growth. The planned development has the potential to serve the best interests of our communities. Preliminary plans we have been shown integrate community parks, green spaces, residential housing, and commercial areas. These elements promote a healthy and livable community.

Accordingly, it is our recommendation that if the Commission approves the applicants' request to change the property's zoning, such an approval should include conditions requiring the project to incorporate active transportation facilities. We recommend that these accommodations be designed with all users in mind. Such facilities should be described in a well-conceived circulation plan with provisions for safe bicycling and access to public transportation serving riders and pedestrians of all ages and abilities in compliance with Americans with Disabilities Act ("ADA") guidelines. The final plan

Kauai residents working together to preserve, protect, and extend access island-wide through the design, implementation, and stewardship of non-vehicular paths.

should include appropriate traffic calming features like roundabouts, back-in diagonal parking, sidewalks, bike lanes and/or multi-use paths, public transportation stop(s), safe crossing opportunities, and median islands. These concepts encompass a Complete Streets approach to urban development.

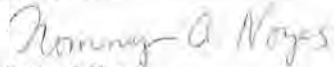
As a feature conducive to smart growth and urban in-fill projects, we further recommend the inclusion of a modest community center providing sundries, sanitary facilities, and preferably some type of commercial food service for neighbors, visitors to the public swimming pool, the project's residents, and the nearby Kapa'a Middle School campus.

Creating attractive multimodal transportation connections—not only within the project, but most importantly to the surrounding multimodal infrastructure as well—will help create a community where families can live, work, and play with less dependence on automobiles and enhanced opportunities for improved health.

Respectfully,



Sally Jo Manea, President Board of Directors,  
Kauai Path Inc.



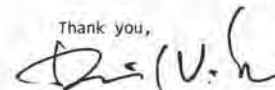
Tommy A Noyes  
Member of Board of Directors  
Kauai Path Inc.

Dear Land Use Commission,

10/14/11

This letter is to show my support for the Kapa'a Highlands subdivision. It has been many years since the Kapa'a Ahupua'a has had a new planned subdivision. Planned communities are superior to random growth because they integrate community parks, green spaces, commercial areas and housing in an organized, smart layout that benefits everyone. The Kapa'a Highlands subdivision will be a planned community. It promises a healthy and livable community that will provide some work force housing which is sorely needed. I ask that you give the Three Stooges LLC and Kapa'a Highlands your approval.

Thank you,



David Vickers

Island Truss

October 14, 2011

Land Use Commission  
Department of Business, Economic Development, and Tourism  
State of Hawai'i  
P.O. Box 2359  
Honolulu Hawai'i 96804-2359

Re: Petition to amend the Land Use Boundary of certain lands situated at Kapa'a, Island of Kaua'i, State of Hawai'i, consisting of 97 acres from the Agriculture and Rural District to the Urban District, Tax Map Key No. (4)4-3-03:001. Kapa'a Highlands, Three Stooges, LLC.

Dear Land Use Commissioners,

I am writing in support of the Kapaa Highlands project. As a person who has a degree in Urban Planning I believe this project has many of the features of a true smart growth community and will be a welcomed and vital addition to the Kapaa community. The project is close to town center making it a walkable community. It is also near a public transportation site. The plans are also asking for some limited mixed use within the community which could provide shopping and jobs within walking distance for residents. The project will allow the middle school to in effect expand into the park area and provide them with use of a pool (a needed addition since the nearby Kapaa pool is in need of repair.

The community will have a good density with single family homes duplexes and apartments. The plan is to make this community affordable for the average person which is most needed. The so called "gap housing" is often neglected on Kauai. They are incorporating parks and green space and the community is across the street from the Kapaa Park which will be a great addition for the kids of the community. The community will be walkable and bike able and they are looking to extend a spoke of the eastside bike path to the community. All streets are planned to be complete and therefore safe for all modes of transportation. The developers will be dedicating the bypass road to the state which is necessary for the development of Kapaa. The current circle at the bypass is a very safe feature for pedestrians and bicycles.

There are so many good and thoughtful smart growth considerations in this community that it should be approved and built. In addition this is one of the best uses for this land that is so near to central Kapaa.

Thank you for your consideration of this project, which I feel should be approved overwhelming.

Sincerely,

Neil J Clendeninn, MD, PhD, MS-arch  
PO Box 1005, Hanalei, HI 96714  
[cybermad@msn.com](mailto:cybermad@msn.com)  
808-294-0660

KURT R. BOSSHARD

ATTORNEY AT LAW  
3144 ELUA STREET  
LIHUE, HAWAII 96766  
TELEPHONE 808-245-5302  
FAX 808-245-0929

October 6, 2011

Re: TMK 4-3-03-001

To Whom It May Concern:

I am the President of Kapaa Solar LLC. In 2010, Kapaa Solar LLC entered into with its owners who are the applicants herein, a lease/purchase and option to purchase portions of TMK 4-3-03-001. Construction of Kapaa Solar LLC's approximately 1.2 megawatt facility which will feed the Kauai Island Utility Cooperative's grid was successfully completed in December 2010. Construction was completed without placing any encumbrances upon the real property. And, in fact should the owner/applicant successfully complete the subdivision of the property, Kapaa Solar hopes to purchase several of the agriculturally zoned condominium units where the solar farm is located. The Kurt Bosshard Trust, of which I am the Trustee, has been the first mortgage holder as to the property since 2001.

I presently engage in other agricultural pursuits on approximately 30 additional acres of this property. Presently, the property is used for pasturage but my intention is to engage in more intensive farming activities should I be able to obtain subdivided lots/units where I am now farming. These activities would include aquaculture and fish farming, as I own an adjacent kuleana which has access to water. In these regards, I have had the Kauai Community College Chancellor and faculty members at the site who have shown interest in working with me to move such a project forward. KCC has a "sustainability" curriculum and it would like to place its graduates into such projects.

I have been a resident of Kauai's east side since 1976 and believe I have significant knowledge of this property, development in this area, and the communities' needs and concerns. Kapaa Solar LLC and the Bosshard Trust believe that the development of the property as proposed by the owners is in the communities' best interests as outlined in the application presently pending your approval. It is unfortunate that this land was not available in the year 2000 and thereafter when growth in the Kapaa area was forced to spread out away from the Kapaa urban area. It would be a shame should the same pressures for growth again emerge and the land not be available for reasonable urban expansion to meet the needs of Kauai's east and north sides. Timely approval of the

To Whom It May Concern  
October 6, 2011

owners' application would be a significant step towards proper planning for the area and the communities' benefit.

I am available to respond to any questions you may have as to any of the foregoing and appreciate your attention to these matters.

Sincerely,  


KURT BOSSHARD  
President, Kapaa Solar LLC  
Trustee, Kurt Bosshard Trust

KB:tes

COUNTY COUNCIL  
JAY FURFARO, CHAIR  
JOANN A. YUKIMURA, VICE CHAIR  
TIM BYNUM  
DICKIE CHANG  
KIPUKAI KUALI'I  
NADINE K. NAKAMURA  
MEL RAPOZO



4396 RICE STREET, SUITE 209  
LIHU'E, KAUAI, HAWAII 96766  
E-mail: cokcouncil@kauai.gov

October 5, 2011

Records

OFFICE OF THE COUNTY CLERK  
Council Services Division  
Elections Division

PETER A. NAKAMURA, County Clerk  
EDUARDO TOPENIO, JR., Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349

Normand R. Lezy, Chairperson  
Land Use Commission  
State of Hawaii  
Department of Business, Economic Development, and Tourism  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Dear Chairperson Lezy:

**RE: Petition To Amend The Land Use Boundary Of Certain Lands Situated At Kapa'a. Island of Kaua'i, State of Hawai'i, Consisting Of 97 Acres From The Agriculture And Rural District To The Urban District, Tax Map Key No. (4)4-3-03:001. Kapa'a Highlands, Three Stooges, LLC.**

Thank you for the opportunity to offer my support in my individual capacity as a member of the Kaua'i County Council for the amendment of 97 acres in the Urban State Land Use District.

I have been assured that the Petitioners, Three Stooges, LLC, continues to work directly with various County departments in order to follow all County ordinance requirements.

The proposed amendment is expected to provide 231 affordable housing units, both single family and multi-family types of structures.

The Petitioners are dedicated to creating a multi-use development that serves the best interest of its surrounding community and is consistent with smart, responsible growth.

Thank you for allowing me this opportunity to provide my support as an individual member of the Kaua'i County Council.

U:2011 memos & letters/CMBynumSupportLTRtoLUCChairperson/TT:mpw


AN EQUAL OPPORTUNITY EMPLOYER

Test leg

Norman R. Lezy, Chairperson  
October 5, 2011  
Page 2

Should you have any questions, please feel free to contact me at (808) 241-4188.

Sincerely,



TIM BYNUM  
Councilmember  
Kaua'i County Council

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



GARY L. HOOSER  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL  
235 SOUTH BERETANIA STREET, SUITE 702  
HONOLULU, HAWAII 96813

In reply, please refer to  
File

October 3, 2011

Patrick J. Childs  
Suite 104  
4365 Kukul Grove Street  
Lihue, Hawaii 96766

Dear Mr. Childs:


**Subject: Kapaa Highlands Phase II, Petition for District Boundary Amendment, TMK: 4-4-02-01 por. Kauai**

Am in receipt of your letter requesting the Office of Environmental Quality Control (OEQC) to "...confirm through your office that there is no specific requirement for an EA at this time."

Based on the information presented in your letter, it appears that this action involves an application before the Land Use Commission requesting the redistricting of 97 acres of agricultural land into urban. In this case, the determination as to whether or not this application triggers HRS Chapter 343 would be made by the LUC. It is my understanding that changing the land use designation as described does not by itself trigger HRS Chapter 343, however depending on the extent and nature of the planned development, a permitting agency may determine otherwise. Furthermore, depending on the developments ultimate impact on adjacent State highways, the Department of Transportation should also be consulted. I would be pleased to meet and discuss this project or any issues of concern or questions that you might have, should you believe that would be helpful.

*NOTE: The OEQC is not authorized to determine or enforce compliance with HRS Chapter 343, nor does it have legal authority to approve or disapprove exemptions, EA's or EIS documents. The OEQC policy on such requests is to consult and offer general guidance based on our understanding of HRS Chapter 343 and past practice with regards to its implementation, but to refrain from issuing specific opinions on specific projects, except that the OEQC may make a recommendation as to the acceptability of a final statement upon request. Not only does the OEQC not have the legal authority to direct compliance or make determinations, the office also lacks the resources to effectively analyze specific projects, conduct site visits and in general conduct the due diligence needed to properly evaluate a projects impacts and potential Chapter 343 compliance issues. The responsibility for such analysis and determinations rests solely on the permitting and approving or accepting agency.*

Sincerely,



Gary Hooser, Director  
Office of Environmental Quality Control

Bernard P. Carvalho, Jr.  
Mayor



Michael A. Dahilig  
Interim Director of Planning

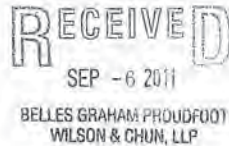
Gary K. Heu  
Managing Director

PLANNING DEPARTMENT  
County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

Dee M. Crowell  
Deputy Director of Planning

August 31, 2011

Max W. J. Graham, Jr.  
BELLES GRAHAM PROUDFOOT WILSON & CHUN, LLP.  
Watumull Plaza  
4334 Rice Street, Suite 202  
Lihue, Hawai'i 96766-1388



Subject: KAPA'A HIGHLANDS SUBDIVISION – Subdivision of Parcel 1, Being a Portion of Grant 5266 to Rufus P. Spalding Into Lots 1 to 13, Inclusive, Kapa'a and Waipōuli, Kaua'i, Hawai'i. (S-99-45, Allen Family LLC/Moloa'a Bay Ventures, LLC/Three Stooges, LLC)

An extension until **AUGUST 31, 2012** to file final subdivision maps has been approved by the Planning Commission at their meeting held on August 30, 2011. The Applicant shall submit an updated status report on the subdivision that includes a detailed time chronology on the progress of the tentative approval requirements and it shall be submitted to the Planning Department no later than six (6) months from that date of the extension approval.

MICHAEL A. DAHILIG  
Interim Director of Planning

xc: CoK – Public Works Dept.  
CoK – Water Dept.  
CoK – Real Property Div. – Assessment  
State Health Dept.

*An Equal Opportunity Employer*



*Water has no substitute.....Conserve it*

August 22, 2011

Mr. Gregg Allen  
161 Wailua Road  
Kapaa, HI 96746

Dear Mr. Allen:

Subject: Water Master Plan for the Kapa'a Highlands Project on TMK: 4-3-03:001

At the Department of Water, Water Board July 28<sup>th</sup> 2011 meeting, via Managers Report 12-10, in response to your letters of April 22, 2011 and May 11, 2011, accepted the proposed exchange of source for storage on a dollar for dollar basis. This acceptance is based on your commitment to proceed with zoning changes in your development to match the county zoning. That zoning change requires affordable housing in certain portions of your proposed development.

This acceptance is based on building permits and County water meter service not being issued if the source and storage requirements have not been completed as of the date of requested building permit approval. We ask that you submit a proposed draft of an agreement to memorialize this action. We would expect that this agreement runs with the land.

If you have any questions, please contact Mr. Gregg Fujikawa at (808) 245-5416.

Sincerely,

David R. Craddick, P.E.  
Manager and Chief Engineer

GF/WE:bdm  
Bill/Gregg Allen Response Letter/July Board Mtg.



**Bernard P. Carvalho, Jr.**  
Mayor



**Gary K. Heu**  
Managing Director

**PLANNING DEPARTMENT**  
**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite A-473, Lihu'e, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

**Michael A. Dahilig**  
Director of Planning

**Dee M. Crowell**  
Deputy Director of Planning

Also, please be advised that recent court decisions and legislation have had an impact on HRS Ch. 343 triggers. You may want to consult other state and county agencies that deal with land development to discuss any change in their particular requirements.

If you have any questions, please feel free to call me, or Deputy Director Dee Crowell at (808)241-4050, or email [dcrowell@kauai.gov](mailto:dcrowell@kauai.gov).



**MICHAEL A. DAHILIG**  
Planning Director

4 March 2011

Agor Architecture, LLC  
424 Ena Road, Suite 206A  
Honolulu, HI 96815

Re: **Kapa'a Highlands Phase II**  
Petition for District Boundary Amendment  
TMK: 4-4-03: 01 Por.

Dear Mr. Agor:

Mahalo, for providing information to us on your proposed project. In reviewing your Draft EA and Petition, we note that you propose to apply to the State Land Use Commission to redesignate approximately 97 acres of land, from the Agriculture State Land Use District to the Urban State Land Use District. 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 redesignated from Agricultural to Urban Center and Residential Community. It appears that the 97 acres is located totally within the General Plan Urban Center area. Because of the conceptual nature of your submittal, we cannot locate the exact area of your project on our General Plan Map. However, General Plan designations do allow for some flexibility in interpretation and we may be able to make minor adjustments. Be aware that the Land Use Commission will require a metes and bounds description of the area you propose to redesignate.

Therefore, because your proposed project appears to be in conformance with the General Plan of the County of Kaua'i, and HRS Ch. 343 is not triggered by any requirements of the Planning Department. We have no comments to offer on the particulars of your project at this time.

Bernard P. Carvalho, Jr.  
Mayor



Gary K. Heu  
Managing Director

OFFICE OF THE MAYOR  
County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 235, Lihue, Hawai'i 96766  
TEL (808) 241-4900 FAX (808) 241-6877

March 1, 2011

Mr. Greg Allen  
161 Wailua Road  
Kapa'a, Hawai'i 96746

Dear Greg:

Allow me to extend my deepest Mahalo and congratulations for the recent dedication of the Kapa'a solar project. This is such a huge accomplishment and will benefit Kaua'i for many years to come. I know you played a significant role in its development and hope that you know we are very grateful for your efforts.

I'm also hopeful your plans for additional housing for Kapa'a will move forward expeditiously, as this project could also provide many benefits such as affordable housing and community facility assets – especially for the nearby schools.

Best wishes, Greg, for continued success and Mahalo again for your contribution to Kaua'i's renewable energy future!

Sincerely,

A handwritten signature in black ink, appearing to read 'Bernard P. Carvalho, Jr.'.

Bernard P. Carvalho, Jr.  
Mayor

*An Equal Opportunity Employer*

Bernard P. Carvalho, Jr.  
Mayor



Gary K. Heu  
Managing Director

OFFICE OF THE MAYOR  
County of Kaua'i, State of Hawai'i  
4444 Rice Street, Suite 235, Lihue, Hawai'i 96766  
TEL (808) 241-4900 FAX (808) 241-6877

December 9, 2010

Vladimir P. Devens, Chairperson  
Land Use Commission  
Department of Business, Economic Development, and Tourism  
State of Hawai'i  
P.O. Box 2359  
Honolulu, Hawai'i 96804-2359

Re: Petition to amend the Land Use Boundary of certain lands situated at Kapa'a, Island of Kaua'i, State of Hawai'i, consisting of 97 acres from the Agriculture and Rural District to the Urban District, Tax Map Key No. (4) 4-3-03: 001. Kapa'a Highlands, Three Stooges, LLC.

Dear Chairperson Devens:

Thank you for the opportunity to offer my support for the amendment of 97 acres in the Urban State Land Use District.

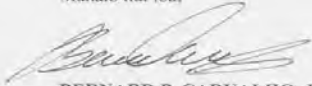
The Petitioners, Three Stooges, LLC, have continued to work directly with various County departments to ensure this development project follows all County ordinance requirements and mitigates any adverse impacts during construction.

The proposed amendment will provide 231 affordable housing units in a manner consistent with the County of Kaua'i's General Plan. The development will provide single and multi-family housing as well as various public facilities to support its close proximity to Kapa'a Middle School and the urban areas of Kapa'a town.

Furthermore, Petitioners are dedicated to creating a multi-use development that serves the best interest of its surrounding community. This is consistent with the smart, responsible growth that I envision for the island of Kaua'i, to create communities where families can live, work and play.

For these aforementioned reasons, I support the petition to amend the land of 97 acres to the Urban District.

Mahalo nui loa,



**BERNARD P. CARVALHO, JR.**  
Mayor, County of Kauai

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
HIGHWAYS DIVISION  
KAPAA DISTRICT  
1420 KALEI DRUMMOND STREET  
KAPAA, HAWAII 96761

MICHAEL D. FORMBY  
INTERIM DIRECTOR

Deputy Directors  
FRANCIS PAUL KEENO  
JERO A. SUMARA

IN REPLY REFER TO

HWY-K 4.100528

November 3, 2010

Vladimir P. Devens, Chairperson  
Land Use Commission  
Department of Business, Economic Development, and Tourism  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Dear Chairperson Devens:

Subject: Petition to amend the Land Use Boundary of certain lands situated at Kapaa, Island of Kauai, State of Hawaii, consisting of 97 acres from the Agriculture and Rural District, to the Urban District, Tax Map Key No. (4) 4-3-03: 001  
Kapaa Highlands  
Three Stooges, LLC

We are writing in general support of the Kapaa Highlands petition to amend 97 acres in Kapaa to the Urban District. The proposed amendment is for the development of 231 affordable housing units. The Department of Transportation is generally supportive of petitions that will provide affordable housing units in a manner consistent with the Kauai County General Plan.

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

If you have any questions, please call me at 241-3006.

Sincerely,



**RAYMOND J. MC CORMICK, P.E.**  
District Engineer

SMI:JI  
cc: Ron Agor

LINDA LINGLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

June 28, 2010

LOG NO: 2010.2441  
DOC NO: 1006MV50

LAURA H. THELEN  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI  
FIRST DEPUTY

KEN C. KAWAHARA  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONSERVATION  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
BUREAU  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Bernard P. Carvalho, Jr.  
Mayor

Gary K. Heu  
Administrative Assistant

March 2, 2010

Mr. Greg Allen  
161 Wailua Road  
Kapa'a, HI 96746



KAUAI COUNTY HOUSING AGENCY  
Pi'ikoi Building 4444 Rice Street Suite 330  
Lihue Hawaii 96766

Eugene K. Jimenez  
Housing Director

COPY

Greg Allen, Kapaa Highlands Inc.  
161 Wailua Road  
Kapaa, HI 96746

**SUBJECT: Historic Preservation Review-  
Consultation Letter on TMK [4]-4-3-003:001, Kapa'a Kauai**

Thank you for the opportunity to provide a current determination letter on the property with TMK# [4]-4-3-003:001. According to our records, there has not been an Archaeological Inventory Survey (AIS) of this property. In addition, Archaeological Inventory Surveys of nearby properties (TMK [4]-4-3-003:004 and TMK [4]-4-3-003:005) recorded multiple historic properties (SHPD Log No. 2008.1916). However, aerial photos indicate that this property was previously cultivated with sugar cane, which may have destructive implications for pre and post-contact Native Hawaiian sites within the project area. However, current aerial photos indicate the presence of potentially historic irrigation features as well as terrain that may not have been subject to intensive cultivation.

The historic preservation requirements for any proposed action within this project area would vary depending on the extent of the action's impact on the parcel. If the action were to take place on previously cultivated land the only historic preservation requirement would be to document the irrigation features. However, if the action takes place in a part of the property that was not cultivated an Archaeological Inventory of that area may be required. It would be highly beneficial for all proposed actions to have an Archeological Inventory Survey for the entire property in order to document the presence or absence of historic sites in this parcel.

Please call Mike Vitousek at (808) 692-8024 if you have any questions or concerns regarding this letter.

Aloha,

Nancy McMahon, Deputy SHPO/State Archaeologist  
and Historic Preservation Manager

**SUBJECT:** In the Matter of the Petition of KAPA'A HIGHLANDS, THREE STOOGES, LLC, to Amend the Land Use District Boundary of Certain Lands Situated at Kapa'a, Island of Kaua'i, State of Hawai'i, Consisting of 97 Acres from the Agriculture and Rural District, To the Urban District, TAX MAP KEY NO. (4) 4-3-03: 01 (por.)

Dear Mr. Allen,

Thank you for the opportunity to review your preliminary Petition for District Boundary Amendment of 97 acres into the Urban State Land Use District. We are aware that a portion of TMK (4) 4-3-03:01 has been designated Urban Center by the Kaua'i County General Plan since the 1980's. The property is contiguous to and in close proximity to the coastal urban areas of Kapa'a Town, yet sits at a higher elevation and abuts the Kapa'a Middle School. The Petitioner proposes to develop single and multi-family housing as well as public facilities on the redistricted land. For the foregoing reasons, we support the petition to amend the land into the Urban District.

Please be advised that under current law, at the time of zoning amendment, the project area will be subject to Ordinance No. 860, the Housing Policy for the County of Kaua'i. The Ordinance requires the development of workforce housing targeted to Kaua'i residents earning from up to 80% to 140% of the Kaua'i Median Household Income. Ordinance No. 860 requires the fee-simple sale of workforce housing equivalent to thirty (30%) of the market units, which may be reduced to a minimum of fifteen percent (15%) through the use of incentives. We anticipate that the subject project would comply with all County ordinance requirements, and that our comments will be sought in the Land Use Commission's formal petition review.

Sincerely,

EUGENE K. JIMENEZ  
Housing Director

cc: Ron Agor, AIA; Imai Aiu, Planning



BERNARD P. CARVALHO JR.  
MAYOR

GARY K. HEU  
ADMINISTRATIVE ASSISTANT



COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4444 RICE STREET  
KAPULE BUILDING, SUITE A473  
LIHUE, KAUAI, HAWAII 96766-1326

TELEPHONE: (808) 241-4050 FAX: (808) 241-6699

COPY

IAN K. COSTA  
DIRECTOR OF PLANNING

IMAICALANI P. AIU  
DEPUTY DIRECTOR OF PLANNING

BERNARD P. CARVALHO, JR.  
MAYOR

GARY K. HEU  
ADMINISTRATIVE ASSISTANT



AN EQUAL OPPORTUNITY EMPLOYER  
COUNTY OF KAUAI  
DEPARTMENT OF PUBLIC WORKS  
4444 RICE STREET  
MO'IKEHA BUILDING, SUITE 275  
LIHUE, KAUAI, HAWAII 96766-1340

December 22, 2009

DONALD M. FUJIMOTO  
COUNTY ENGINEER  
TELEPHONE 241-4992

EDMOND P.K. RENAUD  
DEPUTY COUNTY ENGINEER  
TELEPHONE 241-4992

January 5, 2010

To: Ransom A.K. Piltz, Chairperson  
Department of Business, Economic Development & Tourism  
State of Hawaii  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Subject: Petition to amend the Land Use District boundary of certain lands situated at Kapa'a, Island of Kaua'i, State of Hawaii'i, consisting of 97 acres from the Agriculture and Rural District, to the Urban District, Tax Map Key no. (4)4-3-03:01. Kapa'a Highlands, Three Stooges LLC

Aloha Chair Piltz,

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.

Sincerely,

IAN K. COSTA

Planning Director, County of Kaua'i

CC: Ron Agor

Mr. Greg Allen  
161 Wailua Road  
Kapa'a, Hawaii 96746

SUBJECT: PROPOSED KAPA'A HIGHLANDS RESIDENTIAL DEVELOPMENT

Dear Mr. Allen:

We acknowledge receipt of your email dated September 24, 2009 for the proposed project and offer the following comments:

1. The proposed project will be connected to the Wailua Wastewater Treatment Plant (WWTP) via a connection to the County's Wailua-Kapa'a sewer system in the vicinity of Olohena Road. The on-site and any necessary off-site extension of a sewer collection system will need to be designed and constructed as part of the development, and may either be a privately owned and operated collection system, or may be designed and constructed with the intent to convey the new collection system to the County. In either case, the system should be designed and constructed pursuant to County standards.
2. The concept plan map submitted does not show proposed sewer utility lines. All appurtenant sewer collection system improvements necessary to serve the development will be designed and installed by the developer. As such, sewer connection charges (SCC) will be waived as provided by the County's sewer ordinance.
3. Based on the proposed 769 single-family and multi-family residential units to be developed, at the current rate of \$3,900.00 per unit, the Wastewater Treatment Capacity Assessment (WTCA) is in the amount of \$2,999,100.00. The WTCA shall be paid prior to any final subdivision or building permit approvals.
4. Please note that a preliminary engineering report (PER) is required to evaluate the adequacy of the existing and proposed sewer collection system and treatment plant capacity. The PER shall be submitted for our review and approval. The PER should include sufficient detail to allow the County to verify that the proposed sewer system will comply with County Standards, identify the anticipated flow to the County's

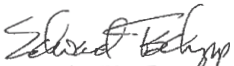
Mr. Greg Allen  
December 22, 2009  
Page No. 2

sewer system, and to evaluate whether improvements to the existing County sewer system will be needed to serve the development. In the event the project will be developed in phases, please indicate the approximate schedule for phasing of the project, to allow the County to identify impacts from the project on the County's wastewater system, including the flow projections for the Wailua WWTP.


5. Prior to start of any sewer system construction, plans need to be submitted for our review for compliance with sewer design standards.
6. Depending on the extent of necessary improvements to the County's wastewater system, applications for sewer service by others, and project phasing and build-out flows to the Wailua WWTP, there may need to be improvements at the WWTP prior to the County having adequate capacity for the full build-out of the project.

Should you have questions, please contact Valentino Reyna at (808) 241-4083.

Very truly yours,

  
EDWARD TSCHUPP  
Chief, Wastewater Management Division

CONCUR:

  
DONALD M. FUJIMOTO  
County Engineer

VR

cc: Engineering Division  
Planning Department

---

**GAllen**

**From:** Tadani, Curtis [ctadani@kiuc.coop]  
**Sent:** Thursday, September 06, 2007 9:44 AM  
**To:** gallen@harbormall.net  
**Cc:** Pascual, Ferdinand  
**Subject:** Kapaa Highlands

Hi Greg,

I got your message and the plans that you brought in were already approved and signed off by us on June 27, 2005 so as far as we're concerned, it should be okay. But if you need to do anything different that will affect the electrical plans, than you should revise them and resubmit them to us for further review. Let me know if anything happens after your Planning Commission meeting next week that will affect the design of the subdivision and more so the electrical portion.

Thanks,

Curt K. Tadani  
Eastside Distribution Planner  
Kauai Island Utility Cooperative  
Ph: 246-4356  
Fax: 246-4332  
Email: [ctadani@kiuc.coop](mailto:ctadani@kiuc.coop)

ELEC  
Plans  
OK

BRYAN J. BAPTISTE  
MAYOR

IAN K. COSTA  
DIRECTOR OF PLANNING

GARY K. HEU  
ADMINISTRATIVE ASSISTANT

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4444 RICE STREET  
KAPULE BUILDING, SUITE A473  
LIHUE, KAUAI, HAWAII 96786-1326  
TEL (808) 241-6677 FAX (808) 241-6609

May 29, 2007

Max Graham, Jr.  
Belles Graham  
Proudfoot & Wilson  
4334 Rice Street, Suite 202  
Lihue, Kauai HI 96766

SUBJECT: TMK: 4-3-003:001  
Kapa'a and Waipouli, Kauai

In response to your letter dated April 16, 2007 concerning the Kapa'a and Waipouli property Tax Map Key (TMK) 4-3-003:001, the subject property is approximately 163.125 acres in size. The State Land Use Commission (SLUC) designates the entire 163.125 acres of the subject property as Agriculture. The County General Plan designates approximately 97.654 acres Urban-Center, 33.685 acres Open, and 31.787 Agriculture. The Comprehensive Zoning Ordinance has the property zoned approximately 127.305 acres Agriculture (A) and 35.820 acres Open (O).

Please understand that the contents of this letter reflect the regulations and/or requirements that are currently in effect and being administered by this Department. These regulations are subject to change. Additionally, we recommend that you also check with other governmental agencies which may administer regulations and requirements that relate to development on this property and/or the proposed use.

Attached is a copy of a map showing the SLUC District boundaries on the subject property.

Should you have any questions, please contact Ka'ama Hull of my staff at 241-6677.

Sincerely,  
  
IAN K. COSTA  
Director of Planning

Attached.

AN EQUAL OPPORTUNITY EMPLOYER

2-16-2010 8:54AM FROM BUSSHARD/BRUNSTEIN 808 245 8929

P. 2

Dec-19-99 12:40P GREG KAMM

1 808 7421751

P. 02

12/18/99

SELWAGE J. CAYetano  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
Kahala Annex Building, Room 565  
801 Kamehameha Boulevard  
Kapolei, Hawaii 96707

TIMOTHY E. JOHNS, CHAIRPERSON  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCES MANAGEMENT

DEPUTIES  
JANET L. RAWELD  
LUNEL NISHIOKA

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
CONSERVATION AND RESTORATION  
ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND  
STATE PARKS  
WATER RESOURCE MANAGEMENT

December 14, 1999

Mr. Greg Kamm  
P.O. Box 1200  
Koloa, HI 96756

LOG NO: 24572  
DOC NO: 9912NM02


Dear Mr. Kamm:

SUBJECT: Chapter 6E-42, Historic Preservation Review --  
Subdivision Permit Application S-99-45 (Silagi Family Trust  
and Hillside Corp. Center L.L.C.)  
TMK: 4-3-03: 01 por  
Kapa'a, Kawaihau, Kaua'i

Thank you for submitting the 1975 air photo of the above subject parcels. We agree that the land has been extensively altered by cane cultivation and filling. Therefore, we now believe that this project will have "no effect" on significant historic sites.

If you have any questions, please call Nancy McMahon at 742-7033.

Aloha,

  
DON HIBBARD, Administrator  
State Historic Preservation Division

NM:lm

c: D. Crowell, Planning Department County of Kauai

From: [Heidi\\_Meeker/FacilDev/HIDOE@notes.k12.hi.us](mailto:Heidi_Meeker/FacilDev/HIDOE@notes.k12.hi.us)  
[mailto:[Heidi\\_Meeker/FacilDev/HIDOE@notes.k12.hi.us](mailto:Heidi_Meeker/FacilDev/HIDOE@notes.k12.hi.us)]  
Sent: Wednesday, April 25, 2012 11:24 AM  
To: [PeterYoung@Hookuleana.com](mailto:PeterYoung@Hookuleana.com)  
Subject: Kapaa Highlands II - Draft Language in EA

Heidi Meeker/FacilDev/HIDOE

To: Jeremy Kwock/FacilDev/HIDOE@HIDOE,

cc

04/25/2012 10:40 AM

Subject: Kapaa Highlands II - Draft Language in EA [Link](#)

Hello Peter,

I appreciate the opportunity to review the education section of the DEA for Kapaa Highlands.

1. Publication of our worksheet

We didn't have a problem with responding to your specific request for a hypothetical impact worksheet, but the sheet itself was marked for discussion purposes only. We have a real problem with the publication of an impact fee work sheet for an impact fee district that doesn't exist, with no current plans to proposed one. The sheet doesn't serve any real purpose for Kapaa Highlands and could be grossly misinterpreted if it was applied to other proposed projects.

2. There's no impact district

Your narrative never states in plain language that there is no school impact fee district in Kapaa, or any where else on the island. The conclusion seems to be buried: we will not be asking the Kapaa Highlands project for any contributions or fees at this point in time. We do not have any current plans to propose an impact district in Kapaa. However, it is possible that a future impact district may cover Kapaa. In that event, Kapaa Highlands may be required to pay impact fees, based on the fee schedule established for the district.

3. Capacity figure

We would prefer that the capacity figures you use be labeled "Classroom Utilization Report 2007-2008" and "CUR 07-08". The annual Classroom Utilization Report was not strictly an inventory of classroom space, it relied on other data such as faculty and staff counts.

We don't have a problem with your estimated student count, but would like the Student Generation Rate to be identified as an estimated Kapaa-area-only SGR.

We don't have a problem with your general assessment that there is sufficient capacity in the Kapaa schools at this point in time to accommodate the students who will reside in the Highlands project.

Please get back to me if you have questions.

Heidi Meeker - [heidi\\_meeker@notes.k12.hi.us](mailto:heidi_meeker@notes.k12.hi.us)  
Planning Section  
Department of Education/Facilities Development Branch  
Kalani High School TB1B  
4680 Kalaniana'ole Highway  
Honolulu, 96821  
Ph.808-377-8301