

ASHFORD & WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP LLP

JAMES K. MEE 2995-0
SARAH M. SIMMONS 10228-0
999 Bishop Street, Suite 1400
Honolulu, Hawai'i 96813
Telephone No. 539-0400

Attorneys for
County of Kauai Housing Agency

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	Docket No. A17-802
)	
COUNTY OF KAUAI HOUSING)	AFFIDAVIT OF PUBLICATION (The
AGENCY)	Garden Island); AFFIDAVIT OF
)	PUBLICATION (Honolulu Star-
To Amend the Agricultural Land Use)	Advertiser); AFFIDAVIT OF
District Boundaries into the Urban Land)	PUBLICATION (West Hawaii Today);
Use District for certain lands situated at)	AFFIDAVIT OF PUBLICATION (Hawaii
'Ele'ele, Kauai, Hawaii; consisting of)	Tribune Herald); CERTIFICATE OF
approximately 75 acres, Tax Map Key)	SERVICE
No. (4) 2-1-001:054)	
_____)	

AFFIDAVITS OF PUBLICATION OF NOTICE OF HEARING

AND

CERTIFICATE OF SERVICE

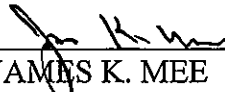
BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	Docket No. A17-802
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approximately 75 acres, Tax Map Key)	SERVICE
No. (4) 2-1-001:054)	
_____)	

AFFIDAVITS OF PUBLICATION OF NOTICE OF HEARING

COMES NOW, COUNTY OF KAUAI HOUSING AGENCY, by and through its attorneys, the law firm of ASHFORD & WRISTON LLLP, a limited liability law partnership, and hereby submits the following original AFFIDAVITS OF PUBLICATION, attached hereto, from: (1) Clerk of Oahu Publications, Inc., publisher of The Garden Island, The Honolulu Star-Advertiser, West Hawaii Today, and Hawaii Tribune Herald, newspapers of general circulation in the State of Hawaii. These affidavits are being submitted pursuant to the requirements set forth in Section 15-15-51(c), Hawaii Administrative Rules, as amended, regarding Petitioner's request to amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands situated at 'Ele'ele, Kauai, Hawaii.

DATED: Honolulu, Hawaii, January 23, 2017.



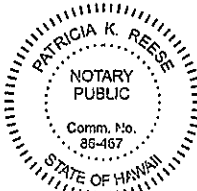
JAMES K. MEE
SARAH M. SIMMONS
Attorneys for Petitioner
County of Kauai Housing Agency

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
NOTICE OF HEARING

STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date: JAN - 9 2017 # Pages: 1
 Notary Name: Patricia K. Reese First Judicial Circuit
 Doc. Description: Affidavit of
Publication
 Notary Signature: [Signature] Date: JAN - 9 2017

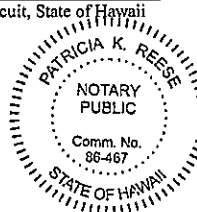


Gwyn Pang being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

Honolulu Star-Advertiser 0 times on:
 MidWeek 0 times on:
 The Garden Island 1 times on:
01/09/2017
 Hawaii Tribune-Herald 0 times on:
 West Hawaii Today 0 times on:
 Other Publications: 0 times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
 Gwyn Pang
 Subscribed to and sworn before me this 9 day of January A.D. 2017
[Signature]
 Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
 My commission expires: Oct 07, 2018
 Ad # 0000951464



NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 and Section 201H-38, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE

February 8, 2017 10:00 a.m.
February 9, 2017 9:00 a.m.
Kauai Veterans Center
3215 Kapule Highway
Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

PETITIONER:

County of Kauai, Housing Agency
4444 Rice Street, Suite 330
Lihue, Hawaii 96766

TAX MAP KEY NO.: (4) 2-1-001:054

CHANGE REQUESTED: To reclassify approximately 75 acres of land situate at Eleele, Island and County of Kauai, State of Hawaii, to allow for a residential development on the property and to utilize the density for up to 550 residential units (single-family and multi-family) to provide needed affordable housing supply for Kauai. All units will be affordable as defined by Chapter 7A of the Kauai County Code, and offered for sale or rent to households who earn no more than 140% of the Kauai median household income. The proposed project is also anticipated to include a community park, a water storage tank, bike and pedestrian paths, and landscaped areas. Petitioner is using the property for the Lima Ola project. Because all units will be affordable, Lima Ola qualifies as an affordable housing project under Section 201H-38, Hawaii Revised Statutes, as amended. Petitioner is seeking exemption from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS §201H-38.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai County Planning Department 4444 Rice Street, #473, Lihue, Hawaii 96766 during office hours from 9:00 a.m. to 4:00 p.m. Monday through Friday (except legal holidays) and at the offices of the State Land Use Commission 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813 during office hours from 7:45 a.m. to 4:30 p.m. (except legal holidays).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearing officer, if one is appointed, may deny an application to intervene when in the Commission's or hearing officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding, and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial pursuant to Section 91-14, Hawaii Revised Statutes.

Petitions to intervene were due fifteen (15) days after the publication of the Notice of Intent to File a Land Use District Boundary Petition, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Land Use Commission Rules.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission by January 25, 2017.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii, 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION
Edmund Aczon, Chair
By Daniel E. Orodener, Executive Officer

AFFIDAVIT OF PUBLICATION

NOTICE OF HEARING

IN THE MATTER OF
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of
Kauai by the Land Use Commission of the State of Hawaii to consider a
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DATE, TIME AND PLACE

February 8, 2017 10:00 a.m.
February 9, 2017 9:00 a.m.
Kauai Veterans Center
3215 Kapule Highway
Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

PETITIONER:

County of Kauai, Housing Agency
4444 Rice Street, Suite 330
Lihue, Hawaii 96766

TAX MAP KEY NO.: (4) 2-1-001:054

CHANGE REQUESTED: To reclassify approximately 75 acres of land
situate at Elele, Island and County of Kauai, State of Hawaii, to allow
for a residential development on the property and to utilize the density
for up to 550 residential units (single-family and multi-family) to provide
needed affordable housing supply for Kauai. All units will be affordable
as defined by Chapter 7A of the Kauai County Code, and offered for sale
or rent to households who earn no more than 140% of the Kauai median
household income. The proposed project is also anticipated to include a
community park, a water storage tank, bike and pedestrian paths, and
landscaped areas. Petitioner is using the property for the Lima Ola
project. Because all units will be affordable, Lima Ola qualifies as an
affordable housing project under Section 201H-38, Hawaii Revised
Statutes, as amended. Petitioner is seeking exemption from State and
County land use regulations and is proceeding under the fast tracking
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Rice Street, #473, Lihue, Hawaii 96766 during office hours from 9:00
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An individual may appear on the individual's own behalf, or a member of
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Hawaii, 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION
Edmund Aczon, Chair
By Daniel E. Orodnenker, Executive Officer

(SA951401 1/9/17)

STATE OF HAWAII
}
} SS.
City and County of Honolulu }

Doc. Date: JAN - 9 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] Date: JAN - 9 2017
Notary Public Seal: PATRICIA K. REESE, NOTARY PUBLIC, Comm. No. 86-467, STATE OF HAWAII

Gwyn Pang being duly sworn, deposes and says that she is a clerk, duly authorized to
execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu
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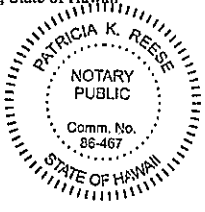
And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
Gwyn Pang

Subscribed to and sworn before me this 9 day of January, A.D. 2017

[Signature]
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
My Commission expires: Oct 07, 2018

Ad # 0000951401



NOTICE OF HEARING

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF NOTICE OF HEARING

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February 9, 2017 9:00 a.m.
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Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

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County of Kauai, Housing Agency
4444 Rice Street, Suite 330
Lihue, Hawaii 96766

TAX MAP KEY NO.: (4) 2-1-001:054

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LAND USE COMMISSION
Edmund Aczon, Chair
By Daniel E. Orondenker, Executive Officer

(WHT951480 1/9/17)

STATE OF HAWAII

City and County of Honolulu

SS.

Doc. Date: JAN - 9 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
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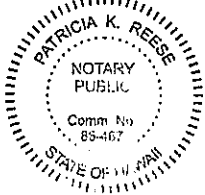
[Signature]
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Subscribed to and sworn before me this 9 day of January A.D. 2017

[Signature]
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires: Oct 07, 2018

Ad # 0000951480



NOTICE OF HEARING

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
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Edmund Aczon, Chair
By Daniel E. Orodener, Executive Officer

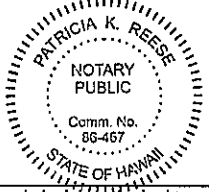
(HTH951468 1/9/17)

STATE OF HAWAII
City and County of Honolulu

Doc. Date: JAN - 9 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit

Doc. Description: Affidavit of
Publication

Notary Signature: [Signature] JAN - 9 2017 Date



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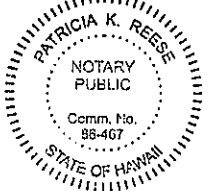
And that affiant is not a party to or in any way interested in the above entitled matter.

[Signature]
Gwyn Pang

Subscribed to and sworn before me this 9 day of January A.D. 2017

Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Oct 07, 2018

Ad # 0000951468



BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	Docket No. A17-802
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COUNTY OF KAUAI HOUSING)	CERTIFICATE OF SERVICE
AGENCY)	
)	
To Amend the Agricultural Land Use)	
District Boundaries into the Urban Land)	
Use District for certain lands situated at)	
'Ele'ele, Kauai, Hawaii; consisting of)	
approximately 75 acres, Tax Map Key)	
No. (4) 2-1-001:054)	
_____)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be duly served upon the following by mailing said copy, postage prepaid, first class, in a United States post office on January 23, 2017:

PLANNING DEPARTMENT, COUNTY OF KAUAI
4444 Rice Street
Lihue, Kauai, Hawaii 96766

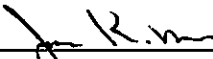
OFFICE OF PLANNING, STATE OF HAWAII
235 South Beretania Street
6th Floor, Leiopapa A Kamehameha Building
Honolulu, Hawaii 96813

DAWN TAKEUCHI-APUNA, ESQ.
Deputy Attorney General
425 Queen Street
Honolulu, Hawaii 96813

KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Lihue, Kauai, Hawaii 96766

JEAN NISHIDA SOUZA
P.O. Box 450
Hanapepe, Hawaii 96716
(Proposed Intervenor)

DATED: Honolulu, Hawaii; January 23, 2017.



JAMES K. MEE
SARAH M. SIMMONS
Attorneys for Petitioner