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COUNTY OF KAUAI HOUSING AGENCY

LAND USE COMMISSION
STATE OF HAWAII
2017 APR 13 A 8:44

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	Docket No. A17-802
)	
COUNTY OF KAUAI HOUSING)	AFFIDAVIT OF KANANI FU
AGENCY)	ATTESTING TO PUBLICATION OF
)	NOTICE OF INTENT TO FILE A LAND
To Amend the Agricultural Land Use)	USE DISTRICT BOUNDARY
District Boundaries into the Urban Land)	AMENDMENT PETITION; EXHIBIT "A"
Use District for certain lands situated at)	
'Ele'ele, Kaua'i, Hawai'i; consisting of)	
approximately 75 acres, Tax Map Key)	
No. (4) 2-1-001:054)	
_____)	

**AFFIDAVIT OF KANANI FU ATTESTING
TO PUBLICATION OF NOTICE OF INTENT TO FILE
A LAND USE DISTRICT BOUNDARY AMENDMENT PETITION**

STATE OF HAWAI'I)	
)	SS.
COUNTY OF KAUA'I)	

KANANI FU, being first duly sworn on oath, deposes and says:

("Petitioner"), is duly authorized to make this affidavit on behalf of Petitioner, and does so upon personal information and belief

2. This affidavit is made to comply with Section 15-15-97(b)(5), Hawai'i Administrative Rules ("HAR") for the Land Use Commission of the State of Hawai'i. ("Commission").

3. On April 13, 2017, Petitioner filed with the Commission a Notice of Intent to File a Land Use District Boundary Amendment Petition ("Notice of Intent").

4. On April 13, 2017, the same day that the Notice of Intent was filed with the Commission and pursuant to HAR Section 15-15-97(b)(2), Petitioner caused the Notice of Intent, in the form attached hereto as Exhibit "A," to be published in the Honolulu Star Advertiser, a newspaper of general circulation in the State of Hawai'i and in the City and County of Honolulu, and in The Garden Island, a newspaper of general circulation in the County of Kaua'i where the subject property is located.

5. On April 14, 2017, Petitioner caused a Notice of Intent in the form attached hereto as Exhibit "A," to be published in the Hawai'i Tribune Herald, a newspaper of general circulation in the County of Hawai'i, in West Hawai'i Today, a newspaper of general circulation in the County of Hawai'i, and in the Maui News, a newspaper of general circulation in the County of Maui.

6. Petitioner will file with the Commission the newspapers' affidavits verifying publication once they have been received from the newspapers.

7. Further, Affiant sayeth naught.

Kanani Fu
KANANI FU

This three (3) page Affidavit, was subscribed and
sworn to before me on this 13th day of
April, 2017, in the 5th Circuit, State of Hawai'i by
Kanani Fu.

Shelley J. Teraska
Notary Public, State of Hawai'i

Name of Notary: Shelley J. Teraska

My commission expires: 7/21/2017

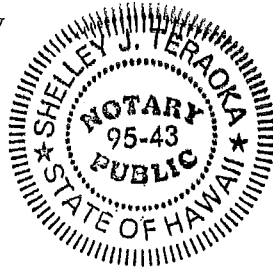


Exhibit "A"

NOTICE OF INTENT TO FILE A LAND USE DISTRICT BOUNDARY AMENDMENT PETITION

NOTICE IS HEREBY GIVEN that the Petitioner, COUNTY OF KAUAI ("County") through its Housing Agency, a political subdivision of the State of Hawaii by and through its legal counsel, THE OFFICE OF THE COUNTY ATTORNEY OF THE COUNTY OF KAUAI and its' special legal counsel, MCCORRISTON MILLER MUKAI MACKINNON, a limited liability law partnership LLP, intends to file a Land Use District Boundary Amendment Petition with the Land Use Commission of the State of Hawaii on June 13, 2017 as provided for in Sections 205-4 and 201H-38, Hawaii Revised Statutes, as amended, and Section 15-15-97(b) of the Hawaii Administrative Rules, Title 15, Subtitle 3, Chapter 15, Subchapter 13, as amended. The County shall hereinafter be referred to as "Petitioner."

PETITIONER

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

PETITIONER'S PROPERTY INTEREST

The subject property is owned in fee by Petitioner.

PROPOSED RECLASSIFICATION

To reclassify the subject property from the State Land Use Agricultural District to the State Land Use Urban District.

TAX MAP KEY NO.

(4) 2-1-001:054

ACREAGE

The subject property consists of approximately 75 acres.

LOCATION

'Ele'ele, Kaua'i, Hawai'i

EXISTING LAND USE

The subject property is currently used for agriculture and is bound by agricultural lands to the north and east, Halewili Road to the south, and contiguous to State Land Use Urban District land along a portion of its western boundary with Kaunualii Highway to the west. The property consists of approximately 75 acres located in 'Ele'ele, Kauai, Hawaii with a downward slope in the makai direction from north to south from 275 to 175 feet above mean sea level.

PROJECT DESCRIPTION

Petitioner proposes residential development on the property, 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.

Exhibit "A"

DATE OF FILING OF PETITION

June 13, 2017

RIGHTS OF INTERESTED PERSONS

All persons who have some interest in the subject property, who lawfully reside on the subject property, 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 may submit petitions to intervene to the Land Use Commission up to fifteen (15) days after this Notice of Intent is published, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Administrative Rules. All other persons who wish to present testimony as a public witness may submit a written request to the Land Use Commission no later than seven (7) days prior to the published hearing date. The Commission will publish the notice of hearing at a later date.

Any questions or requests for additional information may be referred to:

County of Kauai, Housing Agency Attn: Keith Perry 4444 Rice Street, Suite 330 Lihue, Hawaii 96766	MCCORRISTON MILLER MUKAI MACKINNON Attention: David L. Minkin, Esq. Five Waterfront Plaza, 4 th Floor 500 Ala Moana Boulevard Honolulu, Hawaii 96813
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