

ASHFORD & WRISTON  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

LAND USE COMMISSION  
STATE OF HAWAII

JAMES K. MEE                    2995-0  
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Honolulu, Hawai'i 96813  
Telephone No. 539-0400

2017 JAN -9 A 11: 21

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 JAMES K. MEE       |
| AGENCY                                     | ) | ATTESTING TO PUBLICATION OF     |
|  | ) | NOTICE OF HEARING; EXHIBIT "A"; |
| To Amend the Agricultural Land Use         | ) | CERTIFICATE OF SERVICE          |
| 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                        | ) |                                 |
| _____                                      | ) |                                 |

**AFFIDAVIT OF JAMES K. MEE ATTESTING  
TO PUBLICATION OF NOTICE OF HEARING**

|                             |   |     |
|-----------------------------|---|-----|
| STATE OF HAWAII             | ) |     |
|                             | ) | SS. |
| CITY AND COUNTY OF HONOLULU | ) |     |

JAMES K. MEE, being first duly sworn on oath, deposes and says:

1. He is one of the attorneys for County of Kauai ("County"), a municipal corporation, through its Housing Agency, a political subdivision of the State of Hawaii

("Petitioner"), is licensed to practice law in Hawaii, 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 demonstrate compliance with Section 15-15-51(c), Hawaii Administrative Rules ("HAR") for the Land Use Commission of the State of Hawaii. ("Commission").

3. On January 9, 2017, a Notice of Hearing 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 Hawaii and the Island of Oahu, in The Garden Island, a newspaper in the County of Kauai where the subject property is located, the Hawaii Tribune Herald, a newspaper of general circulation in the County of Hawaii, in West Hawaii Today, a newspaper of general circulation in the County of Hawaii, and the Maui News, a newspaper of general circulation in the County of Maui.


4. Petitioner will file with the Commission the newspapers' affidavits verifying

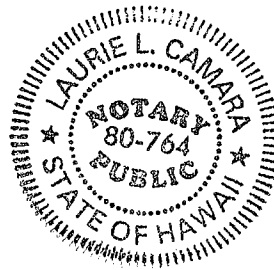
publication once they have been received from the newspapers.

5. Further, Affiant sayeth naught.

  
\_\_\_\_\_  
JAMES K. MEE

This three (3) page Affidavit, was subscribed and sworn to before me on this 9<sup>th</sup> day of January, 2017, in the First Circuit, State of Hawaii by James K. Mee.

  
\_\_\_\_\_  
Print name: Laurie L. Camara  
NOTARY PUBLIC, STATE OF HAWAII



My Commission Expires: August 10, 2018

Exhibit "A"

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  
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, Kawaii, 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

(Legal Ad to appear by January 9, 2017)

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| AGENCY                                     | ) |                        |
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| 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 December 29, 2016:

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 9, 2017.



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JAMES K. MEE  
SARAH M. SIMMONS  
Attorneys for Petitioner