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LAND USE COMMISSION
STATE OF HAWAII

2017 JAN -9 A 11: 22

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 SERVICE OF
)	PETITIONER'S NOTICE OF HEARING;
To Amend the Agricultural Land Use)	EXHIBITS "A" - "D"; CERTIFICATE OF
District Boundaries into the Urban Land)	SERVICE
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 SERVICE OF PETITIONER'S 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(b), Hawaii Administrative Rules ("HAR") for the Land Use Commission of the State of Hawaii. ("Commission").

3. On January 5, 2016, in compliance with Hawaii Administrative Rules §15-15-51(b), Affiant deposited in the United States mail, a copy of the Notice of Hearing, a copy of which is attached as Exhibit A and made a part hereof, addressed to each of the persons identified on the State-wide mailing list attached as Exhibit B.

4. On January 5, 2016, in compliance with HAR §15-15-51(b), Affiant deposited in the United States mail, a copy of the Notice of Hearing, a copy of which is attached as Exhibit A and made a part hereof, addressed to each of the persons identified on the County of Kauai mailing list attached as Exhibit C. Additionally, because of earlier returned mailings, Affiant further mailed copies of the Notice of Hearing to the following with corrected addresses:

State of Hawaii
Hawaii Community Development Authority
547 Queen Street
Honolulu, Hawaii 96813

Laurel Loo
Shiramizu Loo & Nakamura
4357 Rice Street, #102
Lihue, Hawaii 96766

5. On January 5, 2016, in compliance with HAR §15-15-51(b), Affiant deposited in the United States mail, a copy of the Notice of Hearing, a copy of which is attached as Exhibit A and made a part hereof, addressed to the Office of State Planning, the Kauai Planning Commission and the Kauai Planning Department.

6. On January 5, Affiant deposited in the United States mail, a copy of the Notice of Hearing, a copy of which is attached as Exhibit A and made a part hereof, addressed to the proposed Intervenor, Jean Nishida Souza, as follows:

JEAN NISHIDA SOUZA
P.O. Box 450
Hanapepe, Hawaii 96716

Further, Affiant sayeth naught.

7. On January 5, 2017, in compliance with HAR §15-15-51(b), Affiant deposited in the United States mail, a copy of the Notice of Hearing, a copy of which is attached as Exhibit A and made a part hereof, addressed to the following entities, other than the County, that have a recorded interest in the subject property:

Kauai Island Utility Cooperative
4463 Pahee Street, Suite 1
Lihue, Hawaii 96766-2000
(Utility easement and right-of-entry)

Board of Water Supply, County of Kauai
P.O. Box 1706
Lihue, HI 96766
(Water tank rights)

Kauai Habitat for Humanity
P.O. Box 28
Eleele, Kauai, Hawaii 96716
(Easements for drainage and waterline purposes)

McBryde Sugar Company, Limited
Post Office Box 8
Eleele, Kauai, Hawaii 96705
(Reservation of easements for drainage and waterline purposes—also included in Section 8 below)

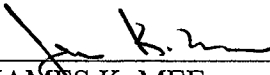
8. On January 5, 2017, in compliance with HAR §15-15-51(b), Affiant deposited in the United States mail, a copy of the Notice of Hearing, a copy of which is attached as Exhibit A

and made a part hereof, addressed to the following entities that have license rights to use the subject property for agricultural use:

McBryde Sugar Company, Limited
Post Office Box 8
Eleele, Kauai, Hawaii 96705
(License Agreement from County of Kauai—also included in Section 7 above)

Kauai Coffee Company, LLC
1 Numila Road
Kalaheo, Hawaii 96741
(Sublicense Agreement from McBryde Sugar Company, Limited)

9. On January 6, 2017, in compliance with HAR §15-15-51(c), Affiant filed with the Office of the Lieutenant Governor a copy of the Notice of Hearing, a copy of which is attached as Exhibit A and made a part hereof. A true and correct file-marked copy of the Notice of Hearing indicating such filing is attached hereto as Exhibit D.



JAMES K. MEE

This four (4) page Affidavit, was subscribed and sworn to before me on this 9th 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

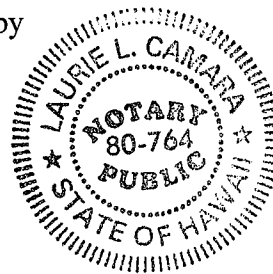


EXHIBIT A

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)

EXHIBIT B

UH Director of Capital Improvements
1960 East West Road, Rm B102
Honolulu, Hawaii 96822

Anthony J.H. Ching
State of Hawaii
Hawaii Community Development Authority
461 Cooke Street
Honolulu, Hawaii 96813

I. STATEWIDE MAILING LIST

II. Last Updated: 10/24/16

Earth Justice Legal Defense Fund
850 Richards St. Suite 400
Honolulu HI 96813

Hawaii Operating Engineers
2145 Wells Street
Wailluku, HI

Ashford & Wriston Library
P. O. Box 131
Honolulu HI 96810

Associated Press
500 Ala Moana Boulevard, Suite 7-590
Honolulu, Hawaii 96813

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102 Prospect Street
Honolulu HI 96813

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Belles Graham Proudfoot & Wilson
4334 Rice Street, Suite 202
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Gene Zarro
22 Ulunui Place
Pukalani, HI 96768

Beryl Leolani Bailey Blaich,
P. O. Box 1434
Kilauea HI 96754

Mr. James Garrigan
P O Box 3143
Kailua-Kona, Hawaii 96745

Mr. Kenneth Okamura
641 Polipoli Road
Kula, Hawaii 96790

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Lanikai Properties LLC
P.O. Box 9032
Kailua-Kona, HI 96745

Patrick Borge, Sr.
536 Haawina Street
Paia, Hawaii 96779-9609

P. Roy Catalani
Young Brothers, Ltd.
Pier 40 – P. O. Box 3288
Honolulu, HI 96801

Building Industry Association of
Hawaii
P.O. Box 970967
Waipahu, HI 96797

Kika Bukoski
Hawaii Building and Construction
Trade Council
735 Bishop Street, Suite 412
Honolulu HI 96813

Roy A. Vitousek III
Cades Schutte LLP
75-170 Hualalai Road, Suite B-303
Kaulua-Kona HI 96740

Duane -Shimogawa
Pacific Business News
737 Bishop St. Suite #1590
Honolulu, HI 96813

Mr. Charles Trembath
4152 Palaumahu
Lihue HI 96766

Surety Kohala Corporation
P. O. Box 249
Hawi HI 96719

Mr. Bruce Tsuchida
Townscape
900 Fort Street Mall, #1160
Honolulu HI 96813

Ms. Meredith J. Ching
Alexander & Baldwin, Inc.
P. O. Box 3440
Honolulu HI 96801

Council Services Administration
Kauai County Council
4396 Rice St. Suite 209
Lihue, HI 96766

Ms. K. Chun
P. O. Box 3705
Honolulu HI 96811

City Desk Clerk-Public Hearings
Honolulu Star Advertiser
500 Ala Moana Boulevard, Unit 210
Honolulu, Hawaii 96813-4914

Ms. Eleanor Mirikitani
c/o Waikoloa Land Co.
150 Waikoloa Beach Drive
Waikoloa HI 96738

Mr. David Penn
P. O. Box 62072
Honolulu HI 96839

Castle & Cooke Hawaii
Dole Office Building Suite 510
680 Iwilei Road
Honolulu, HI 96817

Honglong Li
1001 Bishop Street, Suite 2400
American Savings Bank Tower
Honolulu, HI 96813

Alan Kaufman, DVM
P O Box 297
Kula, HI 96790

Karen Piltz
Chun Kerr Dodd Beaman & Wong
999 Bishop Street Suite 2100
Honolulu, HI 96813

Mr. David Rae
The Estate of James Campbell
1001 Kamokila Boulevard
Kapolei HI 96707

United States Marine Corps
Commander, Marine Forces Pacific
Attn: G4. Box 64118
Camp H.M. Smith, Hawaii 96861-4118

Representative Cindy Evans
7th District
State Capitol, Room 311
Honolulu, Hawaii 96813

U.S. Fish and Wildlife Service
300 Ala Moana Blvd., Rm. 3-122
Honolulu HI 96850

Department of the Army
Directorate of Public Works
Attn: Planning Division
Schofield Barracks, Hawaii 96857-5013

Mr. Albert K. Fukushima
1841 Palamoi Street
Pearl City HI 96782

Mr. Michael A. Dahilig, Director
Planning Department - Kauai
4444 Rice Street, Suite 473
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Real Property Division
County of Kauai
4444 Rice Street
Lihue HI 96766

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C&C Department of Planning & Permitting
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300 Kuulei Rd. Unit A, #281
Kailua HI 96734

Jacqui Hoover, President
Hawaii Leeward Planning Conference
P. O. Box 2159
Kamuela HI 96743

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**The Pele Defense Fund
P. O. Box 4969
Hilo HI 96720**

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1670 Makaloa #204, PMB 183
Honolulu, Hawaii 96814**

**Department of the Navy
Commander in Chief, U.S. Pacific Fleet
Commander in Chief
250 Makalapa Drive
Pearl Harbor, HI 96860-3131**

**U.S. Pacific Command
Commander in Chief
Box 64028
Camp H.M. Smith, Hawaii 96861-4028**

**Commander
Navy Region Hawaii
850 Ticonderoga Street, Suite 110
Pearl Harbor HI 96860-5101**

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**Office of the Governor – Kaua'i
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Lihue 96766**

**Ms. Sara Collins
DLNR - Historical Preservation Division
601 Kamokila Blvd., Room 555
Kapolei HI 96707**

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RSS Ltd.
1658 Liholiho Street, Suite 306
Honolulu, Hawaii 96822**

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1100 Alakea Street Ste. 2900
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1719 Haleloki Street
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Attn: Real Property Section
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Honolulu, HI 96828-0960**

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999 Bishop St. Suite #2300
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KITV News 4
801 S. King Street
Honolulu HI 96813**

**West Hawaii Today
Attn: Reed Flickinger
P. O. Box 789
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**National Resources Conservation Svc.
Pacific Islands Area (PIA) State Office
Attn: PIA Soil Scientist
P. O. Box 50004
Honolulu HI 96850-0050**

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Stanford Carr Development LLC
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The Mills Group
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Engineer Program Manager
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Hilo, HI 96720

Law Offices of Kyong-Su Im LLLC
1608 Laukahi St.
Honolulu, Hawaii 96821

DOT Highways / Maui District Office
Engineer Program Manager
650 Palapala Drive
Kahului, HI 96732

Department of Transportation
Highways Division
Kauai District Office
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Lihue, Hawaii 96766

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Matsubara - Kotake
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Chairman - Planning Commission
County of Kauai
4444 Rice Street, Suite 473
Lihue HI 96766

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DOT – Airports Administrator
Inter-Island Terminal, Suite 700
Honolulu International Airport
400 Rodgers Blvd.
Honolulu, HI 96819

Daryn Arai
County of Hawaii, Planning Department
101 Pauahi Street, Suite 3
Hilo, Hawaii 96720

Elaine Wender
2180 W, Vineyard St # 305
Wailuku, HI 96793

Laura McIntyre, AICP
DOH-Environmental Planning Office
Mgr, Rm. 312
919 Ala Moana Boulevard
Honolulu HI 96814

Department of Transportation
Harbors Division
79 South Nimitz Highway
Honolulu HI 96813

Director - OEQC
235 South Beretania St., Rm. 702
Honolulu HI 96813

Mr. Luis P. Salaveria, Director
DBEDT
P. O. Box 2359
Honolulu HI 96804-2359

Mr. Ronald F. Tsuzuki
Highways Division, Planning Branch
869 Punchbowl Street
Honolulu, HI 96813

Deputy Director
Department of Transportation
869 Punchbowl Street
Honolulu HI 96813

Bryan Yee, Deputy Attorney General
Commerce & Economic Development Div
Department of Attorney General
425 Queen Street
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Dawn T. Hegger-Nordblom
Hawaii Army National Guard – NEPA
Coordinator
P.O. Box 1057
Kihei, HI 96753

Scot Urada
DOT Design Branch, Highways Division
601 Kamokila Blvd., Room 688-A
Kapolei HI 96707

DOT Transportation Planning Office
869 Punchbowl Street
Honolulu, HI 96813

Department of Land and Natural Resources
Land Division, Coastal Lands Program
P O Box 621
Honolulu, HI 96809-0621

Executive Director
HHFDC
677 Queen Street, Suite 300
Honolulu HI 96813

Mr. Gordon Matsuoka
DAGS - Public Works Division
P. O. Box 119
Honolulu HI 96810

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**KAUAI MAILING LIST
Updated: 11/12/15**

EXHIBIT D

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

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LIEUTENANT GOVERNOR'S OFFICE

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. Orodenker, Executive Officer

(Legal Ad to appear by January 9, 2017)

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)	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 December 29, 2016:

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


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DAWN TAKEUCHI-APUNA, ESQ.
Deputy Attorney General
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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.



JAMES K. MEE
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