

OFFICE OF PLANNING

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Honolulu, Hawai'i 96813

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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

LAND USE COMMISSION
STATE OF HAWAII
2017 MAY 26 P 2:54

In the Matter of the Petition of)	DOCKET NO. A17-802
)	
COUNTY OF KAUAI HOUSING)	OFFICE OF PLANNING'S LIST OF
AGENCY)	WITNESSES; LIST OF EXHIBITS;
)	EXHIBITS 1-13; CERTIFICATE OF
To Amend the Agricultural Land Use)	SERVICE
District Boundary into the Urban Land Use)	
District for Approximately 75 Acres at)	
Eleele, Kauai, State of Hawai'i, Tax Map)	
Key No.: (4) 2-1-001: 054)	
)	
)	

OFFICE OF PLANNING'S LIST OF WITNESSES, LIST OF EXHIBITS,

EXHIBITS 1-13, AND CERTIFICATE OF SERVICE

Docket No. A17-802

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

COUNTY OF KAUAI, HOUSING AGENCY
4444 Rice Street, Suite 330
Lihue, Kauai, Hawaii 96766

MCCORRISTON MILLER MUKAI MACKINNON LLP
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KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Lihue, Kauai, Hawaii 96766

2017 MAY 26 PM 1:27
LAND USE COMMISSION
STATE OF HAWAII

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

Honolulu, Hawai'i 96813

DATED: Honolulu, Hawai'i, this 26th day of May, 2017.



LEO R. ASUNCION
Director
Office of Planning

LAND USE COMMISSION

Page 1 of 1

DOCKET NO./PETITIONER: A17-802 COUNTY OF KAUAI HOUSING AGENCY
PARTY: OFFICE OF PLANNING (OP)

LIST OF WITNESSES

NAME/ORGANIZATION/POSITION (List in Order of Appearance)	TO BE QUALIFIED AS AN EXPERT IN:	SUBJECT MATTER	WRITTEN TESTIMONY (Yes or No)	EXHIBIT NUMBER(S)	LENGTH OF DIRECT
LEO R. ASUNCION or REPRESENTATIVE Director Office of Planning	Land Use and Environmental Planning	State Position	Yes	2	15 min.

LAND USE COMMISSION

Page 1 of 2

DOCKET NO./PETITIONER: A17-802 COUNTY OF KAUAI HOUSING AGENCY
PARTY: OFFICE OF PLANNING (OP)

LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
1	Office of Planning's (OP) Statement of Position, previously filed with the Land Use Commission on May 19, 2017		
2	Office of Planning's (OP) Testimony in Support of Petition with Conditions		
3	<i>Map, Petition Location and Regional Overview of State Land Use Districts</i> , OP		
4	Department of Agriculture letter to Leo R. Asuncion, dated May 11, 2017		
5	Commission on Water Resource Management (CWRM) letter to Leo R. Asuncion, dated January 27, 2017		
6	Department of Transportation (HDOT) letter to Leo R. Asuncion, dated April 13, 2017		
7	Department of Transportation (HDOT) letter to Leo R. Asuncion, dated March 17, 2017		
8	Department of Education (DOE) letter to Leo R. Asuncion, dated January 19, 2017		
9	Commission on Water Resource Management (CWRM) letter to Leo R. Asuncion, dated May 23, 2017		

LAND USE COMMISSION

Page 2 of 2

DOCKET NO./PETITIONER: A17-802 COUNTY OF KAUAI HOUSING AGENCY
PARTY: OFFICE OF PLANNING (OP)

LIST OF EXHIBITS

EXHIBIT NUMBER	DESCRIPTION	PARTY: OBJECTIONS	ADMIT
10	Department of Land and Natural Resources (DLNR) Engineering Division letter to Leo R. Asuncion, dated January 20, 2017		
11	Hawaii Emergency Management (HI-EMA) letter to Leo R. Asuncion dated November 28, 2016		
12	Hawaii Housing and Finance Development Corporation (HHFDC) letter to Leo R. Asuncion, dated January 30, 2017		
13	Resume of OP Director, Leo R. Asuncion		

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LAND USE COMMISSION
STATE OF HAWAII

2017 MAY 19 P 2:57

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)	OFFICE OF PLANNING'S STATEMENT
AGENCY)	OF POSITION; CERTIFICATE OF
)	SERVICE
To Amend the Agricultural Land Use)	
District Boundaries into the Urban Land Use)	
District for certain lands situated at Eleele,)	
Kauai, Hawaii; consisting of approximately)	
75 acres, Tax Map Key No. (4)2-1-001:054)	
)	

OFFICE OF PLANNING'S STATEMENT OF POSITION

Pursuant to Hawaii Administrative Rules (HAR) § 15-15-55, the Office of Planning ("OP") submits this Statement of Position of support for the reclassification of the Petition Area, subject to certain conditions. This Statement of Position summarizes OP's position and describes the position of State departments impacted by the proposed boundary amendment, to the extent this information is currently available. OP's position is based on the representations of the Petitioner and documents filed in these proceedings, coordination with the Petitioner and affected government agencies, and the statutes and regulations applicable to these proceedings. Additional information that may become available will be reflected in OP's written testimony.

OP Exhibit 1

PETITION OVERVIEW

General Information

The County of Kauai Housing Agency (“Petitioner”) requests that the Land Use Commission (“Commission”) reclassify approximately 75 acres of land from the State Agricultural District to the State Urban District at Eleele, Kauai, Hawaii.

The Petitioner, a county housing agency, is the fee owner of the parcel, Tax Map Key (“*TMK*”) No. (4) 2-1-001: 054, being proposed for reclassification under this Petition. The Petition Area is intended to be developed as a 100% affordable housing project pursuant to Hawaii Revised Statutes (“HRS”) Chapter 201H.

Proposed Use of the Petition Area

The Petitioner proposes to amend the land use district boundary to reclassify approximately 75 acres of lands situated at Eleele, Kauai, Hawaii from the State Agricultural District to the State Urban District. The reclassification is necessary to allow the development of the Lima Ola Workforce Housing Development. There is expected to be a demand for 9,038 additional housing units (mid-point) in the Lihue-Kekaha area between 2014 and 2040. A reasonable portion of households would consider Eleele as a potential housing location. Within the Eleele-Hanapepe area, there is demand for about 760 additional units by 2040. Without the Lima Ola Project, only 308 units are projected to be added to the Eleele-Hanapepe area. When fully built-out, the Project will add approximately 550 residential units.

The Petitioner, as the County Housing Agency, has certified that the Project is a HRS § 201H-38 Affordable Housing Project. All units will be offered for sale or rent to buyers/ renters who earn no more than 140% of the Kauai median household income. The Project is anticipated to have densities of six (6) units per acre for single family homes and ten (10) units per acre for multi-family units. A variety of residential types will be offered for sale and rent at Lima Ola. These include single-family detached units, duplexes, and complex housing. The proposed unit pricing is subject to Ordinance 860, or other financing restrictions as amended. The Petition Area is restricted to affordable housing purposes or agricultural uses pursuant to Warranty Deed with Restrictions and Covenants between McBryde, as grantor, and the County, as grantee.

The Project will be completed in multiple phases over several decades. The development timetable will vary depending upon a number of variables, including access to funding and

affordable housing needs. The Lima Ola Workforce Housing Infrastructure Delivery Plan sets forth the projected phases of development of the Project. The Commission granted the Petitioner's request for a waiver of the incremental development schedule and map requirements on February 8, 2017. The Project will include a 3.1-acre community park, a community center, space for community gardens, vegetated drainage swales, landscaped areas, a water storage tank, and pathways (bike and pedestrian).

Petition Area Description and County Land Use Designations

The Petition Area is currently zoned for agricultural use under County zoning regulations. The County has identified the Petition Area as the most suitable location for the proposed affordable housing community, and has allocated sufficient alternative lands in the area, as well as additional lands in the County, for agricultural use. The Petitioner received an exemption from Section 8-2.2 of the Kauai County Code, Agricultural Districts, pursuant to HRS 201H-38, to permit the development and use of the parcels for single-family and multi-family residential purposes, including supporting infrastructure requirements.

The Petition Area is presently used for coffee production pursuant to a license and sublicense with McBryde and Kauai Coffee. The license and sublicense will terminate upon notice to the licensees that the County requires possession of the Petition Area to commence development of the Project. The Petition Area is also subject to a perpetual nonexclusive easement for utility purposes held in favor of Kauai Island Utility Co-Op, easements for drainage, a drainage detention basin, and waterline purposes held in favor of Kauai Habitat for Humanity, and easements W-1 and W-2 held in favor of the County Board of Water Supply.

The Petition Area is located 0.8 miles from the Eleele Shopping Center, 0.9 miles from the Port Allen Marina Center, and from the Port Allen Industrial Center, 3 miles from Hanapepe, and less than 7 miles from Waimea. It is also adjacent to a subdivision being developed by Kauai Habitat for Humanity and the Eleele Nani subdivision. Lands northeast of the Petition Area have been designated Important Agricultural Lands ("IAL"), whereas lands located south and southeast are owned by A&B Properties, Inc and are expected to be the site of a mixed-use development. The subdivisions to the west/northwest of the Petition Area are within the State Urban Land Use District, and the lands to the east and south are within the State Agricultural Land Use District. The lands within the Petition Area are considered Prime Agricultural Land

according to the State Department of Agricultural Lands of Importance to the State of Hawaii (“ALISH”). Soils within the Petition Area are classified as A and B pursuant to the University of Hawaii Land Study Bureau Detailed Land Classification A to E rating system, with A indicating the most productive soil. MgB is the predominant soil type at the Petition Area, and is characterized by its moderate permeability, slow runoff, and slight erosion hazard. The Petition Area ranges in elevation from approximately 175 to 275 feet above mean sea level, and has an average slope of four percent (4% grade). According to Federal Emergency Management Agency records, the Petition Area is located within Flood Zone X, designated “areas outside of the .2 annual chance floodplain.”

KEY ISSUES IDENTIFIED BY THE OFFICE OF PLANNING

The following key issues of statewide concern are categorized by the land use commission decision-making criteria enumerated under HRS § 205-17.

Potential Impacts on Areas of State Concern

Natural Systems and Habitats

A biological resource assessment for the Petition Area was conducted in October 2013 by SWCA Environmental Consultants. No State or federally-listed threatened, endangered, or candidate plant species, or rare native Hawaiian plant species were observed within the surveyed area, and no designated critical plant habitat occurs within the area. Of the 66 plant species observed at the Petition Area, only two species are native to the Hawaiian Islands. The Petition Area does not include a designated critical habitat for any protected species. Thirteen (13) bird species were documented during the survey. These bird species are typically found in agricultural areas, and included one migrant shorebird species: the Pacific golden plover, which was primarily observed on roads. The native Hawaiian short-eared owl or pueo and the introduced barn owl may use the project area for hunting and roosting. Seabirds, especially the endangered Hawaiian petrel and threatened Newell’s shearwater, may fly over the Petition Area at night while traveling between their upland nesting sites to the ocean. The Hawaiian hoary bat is believed to be present at the Petition Area due to the detection of multiple bat calls through the use of bat detectors. Construction activities planned for the Petition Area may impact the

Hawaiian hoary bat, the Hawaiian petrel, and the Newell's shearwater. Recommended mitigation measures for the above impacted species have been provided by the consultant.

Archaeological, Historic, and Cultural Resources

An Archeological Inventory Survey ("*AIS*") was prepared by Scientific Consultant Services ("*SCS*") in September 2013 and April 2014. The scope of the work included historic and archaeological background research, ground surveillance and subsurface testing. No pre-Contact archaeological sites were identified. The AIS identified a single, historic plantation-era site, designated as State Site Number 50-30-09-2219, Pump No. 1 Ditch. This site has been documented, plotted on maps, photographed, and described in pamphlets and books. SCS recommended that no further historic presentation work is necessary in the Petition Area. The Petitioner should comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the State Department of Land and Natural Resources, State Historic Preservation Division ("*SHPD*"). The Petitioner should confirm in writing to the Commission that the SHPD has found the Petitioner's preservation mitigation commitments to be acceptable and has determined that any required historic preservation measures have been successfully implemented.

In the event that historic resources, including human skeletal remains, are identified during construction activities, all work should cease in the immediate vicinity of the find, the find protected from additional disturbance, and the SHPD, Kauai Island Section, contacted immediately. If any burials or archaeological or historic sites are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery should stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.

SCS completed a Cultural Impact Assessment ("*CIA*") for the Petition in June 2014. The CIA determined that the Petition Area has not been, and is not currently, used for traditional cultural purposes and there are no "valued cultural, historical, or natural resources" in the Petition Area.

Natural Resources Relevant to Hawai'i's Economy

Agricultural Resources

The subject petition abuts the Agricultural District to the east and designated Important Agricultural Land (DR08-37, Alexander and Baldwin, Inc. 3,773 acres, Decision and Order dated March 10, 2009) to the northeast. These agricultural lands are cultivated in coffee. Of the 3,000-plus acres currently being utilized for coffee farming by Kauai Coffee, the approximately 75 acres to be reclassified represents less than three percent (3%) of the total area farmed. The Petition Area has not been designated as Important Agricultural Lands (“*IAL*”) pursuant to HRS Chapter 205.

OP received comments from the Department of Agriculture (“*DOA*”) on May 17, 2017, noting that § 205-3.5, HRS requires that any decision approving a petition for a boundary amendment pursuant to Chapter 205, HRS where lands in the Petition Area are contiguous to or adjacent to lands in the Agricultural District shall include the following conditions in the decision granting approval:

(1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District; and

(2) Notification to all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, HRS, the Hawaii Right To Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

Groundwater Resources

The estimated depth to groundwater is approximately 100 feet below the surface. The proposed housing units of the Project would be serviced by potable water provided by the County Department of Water (“*DOW*”), which regularly monitors water quality parameters to ensure adherence to all State and Federal standards. The Commission on Water Resource

Management (“CWRM”) in comments to OP dated January 27, 2017, recommended the use of water-efficient fixtures and water efficient practices implemented throughout the development. Also, that best management practices be used for stormwater management to minimize the impact to the area’s hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. CWRM requested that the proposed source for irrigation water be identified, and that the potable and non-potable water demands be provided for each phase. Nonpotable demands should be met with alternative sources of water to the greatest extent possible, and the use of plantings appropriate for the area’s rainfall regime are encouraged to lessen the need for irrigation water.

Adequacy of Public Services and Facilities

Highway and Roadway Facilities

OP received written comments from the Department of Transportation (“*HDOT*”) on April 13, 2017, and March 17, 2017. The HDOT provided comments on the various recommended highway improvements for the Project which is expected to be constructed in four phases (1A & B, 2, 3, and 4).

HDOT affirmed the transportation improvements for the intersections as provided in the Traffic Impact Analysis Report (“TIAR”), and confirmed that Phase 1 improvements will be funded by the County. HDOT stated that the County will be responsible for all costs for the construction of the remaining phased improvements for the Project.

HDOT requires an updated TIAR to be prepared prior to the execution of Phase 2 of the Project and before all subsequent phases to re-evaluate the validity of the TIAR, revise if necessary, and determine whether the previously proposed improvements are adequate or require revision. The updated TIAR will be submitted to HDOT for review and acceptance, specifically for proposed transportation improvements in the State Highway right-of-way. HDOT recommends prior to the issuance of a Certificate of Occupancy for that specific Project Phase, that the Phase-related transportation improvements be accepted by the HDOT.

Airport Facilities

HDOT provided airports related comments as follows: (1) that the project will be subject to noise due to aircraft and helicopter overflights from Port Allen Airport, (2) the need to comply

with Federal regulations for construction within 20,000 feet of a public use airport, and (3) that plants and grasses used for the proposed park not be attractive to wildlife which may create hazardous conditions for aircraft operations at the Airport.

Schools

Students living in the Petition Area would be served by three State Department of Education (“DOE”) schools: 1) Eleele Elementary School, 2) Waimea Canyon Middle School, and 3) Waimea High School. The DOE in a letter to OP dated January 19, 2017, noted that the Project will take up all excess capacity at Eleele Elementary School, and at its mature stage, increase enrollment by approximately 77 students. The DOE is also concerned for a larger A&B project currently on hold that may include as many as 4,000 homes. At this time, there is adequate capacity to support the anticipated enrolment for Phase 1 at Eleele Elementary School, but the school may be at full capacity toward the later phases of the Project. The student enrollment expected from the entire A&B project will likely require an additional elementary school, but DOE is concerned that any further division of the large project, after the Lima Ola project, will generate student enrollment beyond what can be handled at Eleele, but not sufficient to require a request for school land.

Parks

The Petition Area is located on the western edge of the Koloa District and the most eastern edge of the Waimea District. It is anticipated that residents of the Project will utilize parks and recreation facilities in both districts. A 3.1-acre community park and multi-use building will be developed and built for residents within the Project during Phase 1.

Water Resource and Distribution

Water resource and distribution systems for the Petition Area are managed by the County Department of Water (“DOW”). The DOW has conditionally approved water service for Phase 1 of the Project. The Water Master Plan for the Petition Area completed in September 2015 indicates that the current pumping capacity and source availability are adequate to accommodate the demand for Phase 1 of the development. Subsequent phases will be re-evaluated when planning for that phase commences. If additional sources are necessary at the time of re-evaluation, then the Petitioner will discuss the viable options with DOW.

Wastewater Systems

The Project is anticipated to generate an average flow of 0.16 mgd, which is within the treatment capacity of the Eleele Wastewater Treatment Plant (WWTP). The FEA for the Project in Section 4.3.7.2 states that wastewater generated by the Proposed Action would be serviced by the County of Kauai Wastewater Management Division Eleele WWTP. The Proposed Action would require the design and installation of sewer lines at the project site. The wastewater generated by the Lima Ola Housing Development would gravity flow towards the connection point (i.e., an existing 12-inch polyvinyl chloride (PVC) county sewer line located at the eastern end of Mahea Road, near the Project boundary). The proposed development would generate an average wastewater flow of 0.16 mgd, which combined with the current usage of 0.4 mgd in the area, is well within the treatment capacity of the Eleele Wastewater Treatment Plant of 0.8 mgd. Therefore, the Proposed Action would have a less than significant impact on the county wastewater system. A connection point with adequate capacity for the full build-out of the Petition Area is located within three hundred feet of the Project. No expansion of the Eleele Wastewater Treatment Plant would be needed upon the full-build-out of the Project.

Drainage

No permanent surface water bodies or natural wetlands are located within the Petition Area. However, a man-made irrigation ditch, Pump No. 1 Ditch, which was previously used for agricultural purposes, is located in the Petition Area. The U.S. Fish and Wildlife Service classifies Pump No.1 Ditch as an intermittent, man-made riverine, which is occasionally flooded.

The development of the Project will include the construction of a surface water drainage system to collect storm water flow. Storm water would initially enter vegetated drainage swales located along internal roadways, and provide natural infiltration. Low-impact development, such as bioswales and rain gardens, will be incorporated into the Project to provide storm water treatment and to reduce the size of the storm water drainage system. Water will be collected in subsurface pipe culverts, which would channel water to an on-site vegetated detention basin, which allows for further natural filtration, as well as groundwater recharge and particle deposition. The detention basin will be designed for a two-year, 24-hour storm recurrence interval. All features proposed above are to be designed in accordance with the standards of the County Department of Public Works.

Civil Defense

The closest County evacuation shelter to the Petition Area is located at Eleele Elementary School. The Eleele Elementary school shelter is considered to be a “Shelter of Last Resort” by the Kauai Emergency Management Agency (“*KEMA*”). The shelter is intended to be used only by residents living in homes with older construction, or who would otherwise remain in an inundation area. Due to the safer standards of the current building code, KEMA intends to advise the residents of the Project to remain in their units in the event of a natural disaster. KEMA does not anticipate that the Project will lead to overcrowding at this shelter. KEMA also recommends that the proposed Community Center be constructed in a way that would allow it to serve as a Civil Defense Shelter.

The Hawaii Emergency Management Agency (“*HI-EMA*”) concurs with the KEMA comments and also recommends incorporating hardening measures for safe rooms within planned residential facilities, and the hardening of proposed community facilities so as to withstand high-wind and/or seismic events.

Commitment of State Funds and Resources

The Petitioner has entered into a Memorandum of Agreement with the Hawaii Housing Finance and Development Corporation (“HHFDC”). HHFDC requested a Dwelling Unit Revolving Fund (“DURF”) infusion from the Hawaii State Legislature to be loaned to the Petitioner for infrastructure for the project. HHFDC has obtained a commitment of DURF funds in the amount of \$13,000,000. The Petitioner may thus apply for up to \$13,000,000 in DURF funds. In addition to DURF funds, pre-development and Phase 1 costs are to be funded by the Build America Bond, Housing and Community Development Revolving Fund, American Recovery and Reinvestment Act Grant, the Housing Development Fund, and the County Bond Fund. Funding to support development of additional phases of the Project will be sought from the State. The Petitioner estimates that the first phase of development will total \$17,831,274; the second phase will total \$16,050,197; the third phase will total \$7,365,756; and the fourth phase will total \$10,262,567.

Provision for Employment Opportunities and Economic Development

The Project will provide affordable housing for Kauai’s workforce. The influx of new residents is expected to bring greater economic vitality to the region. Construction activities would result in the short- and long-term creation of jobs and materials spending, which would continue until full build-out of the Project is completed in several decades.

Provision for Housing Opportunities

The Project when fully built-out, will consist of approximately 550 residential units (single- and multi-family). All of the units will be offered for sale or rent to buyers/renters who earn no more than 140% of the Kauai median household income. A variety of residential types will be offered for sale and rent at Lima Ola. The Market Study for the Project Area provides additional detail of the proposed Lima Ola Unit Inventory pricing, including information on tenure type and pricing. The development timetable for housing will vary depending upon variables such as access to funding affordable housing needs. The Commission has granted the Petition for Declaratory Order to waive the incremental development schedule for this Project.

To facilitate the development of Lima Ola, the HHFDC and the Petitioner entered into a Memorandum of Agreement effective August 11, 2016. The Agreement establishes a

cooperative relationship between HHFDC and the Petitioner and defines the roles and responsibility of both parties for the development of Lima Ola. By providing affordable housing, the Project will provide an equal opportunity for all households to obtain housing.

SUMMARY OF CONFORMITY WITH APPLICABLE DISTRICT STANDARDS, STATE PLANNING STATUTES, COUNTY PLANS, AND OTHER DECISION-MAKING CRITERIA

The Petition Area is surrounded by lands classified as State Urban District to the west/northwest, and the Petition generally meets the standards for determining State Urban District boundaries set forth in HAR § 15-15-18. With appropriate mitigation, the proposed reclassification is generally consistent with one or more objectives, policies, and priority guidelines of HRS Chapter 226, the Hawaii State Plan—in particular, the development of affordable housing. The Project is also consistent with the State Housing Functional Plan, the State Recreational Functional Plan, and the State Employment Functional Plan. The proposed Project also complements the Administration’s priorities by building workforce housing. The Project generally conforms to the CZM objectives and policies set forth in HRS § 205A-2. The Petition Area is not within the County’s Special Management Area.

With respect to areas of State concern, the Project contributes favorably to the creation of affordable housing, and with appropriate mitigation, the Petitioner can minimize impacts on other areas of State concern identified herein.

The Petition is consistent with policies in the County’s current General Plan and the draft update of the General Plan. The Kauai County Planning Department began updating the General Plan in 2015 and a draft is undergoing Planning Commission and County Council review. The draft Future Land Use Map designates Lima Ola as a “residential community” and sets forth policy supporting the eastward expansion of Port Allen and Eleele. The Project also conforms to the vision of the Hanapepe-Eleele Community Development Plan.

CONCLUSION


Based on our preliminary assessment of the Project with respect to the Commission’s decision-making criteria, OP supports the proposed boundary amendment with conditions that will address the concerns raised herein. The proposed boundary amendment does not conflict

with HRS Chapter 205, and generally meets the Commission's decision-making criteria contained in HRS Chapter 205 and HAR Chapter 15-15. OP's position is contingent on the Petitioner's commitment to avoid, minimize, or mitigate Project impacts identified by the State herein and in this proceeding to the satisfaction of the relevant State agencies prior to the close of the Petitioner's case-in-chief, or by agreed-to conditions of approval.

OP distributed the Petition to State agencies for their review and comments; additional information or concerns may be forthcoming. OP reserves the right to amend this Position Statement based on any forthcoming information. Specific impacts on areas of State concern and recommendations on conditions to mitigate Project impacts will be discussed further in OP's written testimony.

DATED: Honolulu, Hawai'i, this 19th day of May, 2017.

OFFICE OF PLANNING
STATE OF HAWAI'I



LEO R. ASUNCION
Director

Docket No. A17-802

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing were served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

COUNTY OF KAUAI, HOUSING AGENCY
4444 Rice Street, Suite 330
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KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
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JEAN NISHIDA SOUZA
P.O. Box 450
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DATED: Honolulu, Hawai'i, this 19th day of May, 2017.


LEO R. ASUNCION
Director
Office of Planning

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LAND USE COMMISSION
STATE OF HAWAII
2017 MAY 26 P 3:36

BEFORE THE LAND USE COMMISSION
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In the Matter of the Petition of)	DOCKET NO. A17-802
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COUNTY OF KAUAI HOUSING)	OFFICE OF PLANNING'S TESTIMONY
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District Boundaries into the Urban Land Use)	
District for certain lands situated at Eleele,)	
Kauai, Hawaii; consisting of approximately)	
75 acres, Tax Map Key No. (4)2-1-001:054)	

OFFICE OF PLANNING'S TESTIMONY
IN SUPPORT OF PETITION WITH CONDITIONS

The Office of Planning ("OP") recommends approval of the County of Kauai Housing Agency's ("Petitioner") petition to reclassify approximately 75 acres of lands from the State Agricultural District to the Urban District at Eleele, Kauai, subject to conditions. OP's recommendation is based on the representations of the Petitioner and documents filed to-date in these proceedings, consultation with affected government agencies, and the statutes and regulations applicable to these proceedings. OP reserves the right to amend this Testimony based on any forthcoming information.

I. PETITION OVERVIEW

General Information

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Proposed Use of the Petition Area

The Petitioner proposes to amend the land use district boundary to reclassify approximately 75 acres of lands situated at Eleele, Kauai, Hawaii from the State Agricultural District to the State Urban District. The reclassification is necessary to allow the development of the Lima Ola Workforce Housing Development. There is expected to be a demand for 9,038 additional housing units (mid-point) in the Lihue-Kekaha area between 2014 and 2040. A reasonable portion of households would consider Eleele as a potential housing location. Within the Eleele-Hanapepe area, there is demand for about 760 additional units by 2040. Without the Lima Ola Project, only 308 units are projected to be added to the Eleele-Hanapepe area. When fully built, the Project will add approximately 550 residential units (Pet. Ex. 4, Exhibit 15).

The Petitioner, as the County Housing Agency, has certified that the Project is a HRS § 201H-38 Affordable Housing Project. All units will be offered for sale or rent to buyers/renters who earn no more than 140 percent of the Kauai median household income. The Project is anticipated to have densities of six (6) units per acre for single family homes and ten (10) units per acre for multi-family units. A variety of residential types will be offered for sale and rent at Lima Ola. These include single-family detached units, duplexes, and multifamily housing. The Petition Area is restricted to affordable housing purposes or agricultural uses pursuant to Warranty Deed with Restrictions and Covenants between McBryde, as grantor, and the County, as grantee.

The Project will be completed in multiple phases. Phase 1 consists of 26 acres with 149 units, Phase 2 is 21 acres with 172 units, Phase 3 is 17 acres with 136 units and Phase 4 is 11 acres with 93 units. The development timetable will vary depending upon a number of variables,

including access to funding and affordable housing needs. The Lima Ola Workforce Housing Infrastructure Delivery Plan sets forth the projected phases of development of the Project. The Commission granted the Petitioner's request for a waiver of the incremental development schedule and map requirements on February 8, 2017. The Project will include a 3.1-acre community park, a community center, space for community gardens, vegetated drainage swales, landscaped areas, a water storage tank, and pathways (bike and pedestrian).

Petition Area Description and County Land Use Designations

The Petition Area, shown in **Exhibit 3** is located in the State Agricultural District and is currently zoned for agricultural use under County zoning regulations. The County Housing Agency has identified the Petition Area as the most suitable location for the proposed affordable housing community, and has allocated sufficient alternative lands in the area, as well as additional lands in the County, for agricultural use. The Petitioner received an exemption from Section 8-2.2 of the Kauai County Code, Agricultural Districts, pursuant to HRS § 201H-38, to permit the development and use of the parcels for single-family and multi-family residential purposes, including supporting infrastructure requirements.

The Petition Area is presently used for coffee production pursuant to a license and sublicense with McBryde and Kauai Coffee. The license and sublicense will terminate upon notice to the licensees that the County requires possession of the Petition Area to commence development of the Project.

The Petition Area is located 0.8 miles from the Eleele Shopping Center, 0.9 miles from the Port Allen Marina Center, and from the Port Allen Industrial Center, 3 miles from Hanapepe, and less than 7 miles from Waimea. It is also adjacent to a subdivision being developed by Kauai Habitat for Humanity and the Eleele Nani subdivision. Lands northeast of the Petition Area have been designated Important Agricultural Lands ("IAL"), whereas lands located south and southeast are owned by A&B Properties, Inc. The subdivisions to the west/northwest of the Petition Area are within the State Urban District, and the lands to the east and south are within the State Agricultural District.

The lands within the Petition Area are considered "Prime" according to the State Department of Agricultural Lands of Importance to the State of Hawaii ("ALISH"). Soils within the Petition Area are classified as A and B pursuant to the University of Hawaii Land

Study Bureau Detailed Land Classification A to E rating system, with A indicating the most productive soil. The Petition Area ranges in elevation from approximately 175 to 275 feet above mean sea level, and has an average slope of four percent. According to Federal Emergency Management Agency records, the Petition Area is located within Flood Zone X, designated “areas outside of the .2 annual chance floodplain.”

II. PETITION’S CONFORMANCE WITH BOUNDARY AMENDMENT DECISION-MAKING CRITERIA

In its review of any petition for reclassification of district boundaries, the Commission shall specifically consider the decision-making criteria under HRS § 205-17 and HAR Chapter 15-15. The decision-making criteria includes the extent to which the proposed reclassification impacts on areas of State concern, conforms to the Hawaii State Plan and functional plans, district standards, and the representations and commitments made by the Petitioner.

Potential Impacts on Areas of State Concern

Flora and Fauna

In the biological resource assessment for the Petition Area, no State or federally-listed threatened, endangered, or candidate plant species, or rare native Hawaiian plant species were observed within the surveyed area, and no designated critical plant habitat occurs within the area. The native Hawaiian short-eared owl or pueo and the introduced barn owl may use the project area for hunting and roosting. Seabirds, especially the endangered Hawaiian petrel and threatened Newell’s shearwater, may fly over the Petition Area at night while traveling between their upland nesting sites to the ocean. The Hawaiian hoary bat is believed to be present at the Petition Area due to the detection of multiple bat calls through the use of bat detectors. Construction activities planned for the Petition Area may impact the Hawaiian hoary bat, the Hawaiian petrel, and the Newell’s shearwater.

Mitigation Recommendation: OP recommends the imposition of protective conditions as provided by the Project’s consultant. According to the biological assessment, construction activity should be restricted to daylight hours as much as practicable during the seabird breeding season (April through November) to avoid the use of nighttime lighting that could be an attraction to seabirds. For any nighttime work required during construction, all outdoor lighting

shall be shielded to prevent upward radiation so as to reduce the potential for interactions of nocturnally flying petrels and Newell's shearwaters with external lights and man-made structures. Outside lights that are not needed for security and safety should be turned off from dusk through dawn during the fledgling fallout period (September 15-December 15).

To avoid potential impacts to the Hawaiian hoary bat, any trees taller than 15 feet in the Petition Area should be trimmed or removed between June 1 and September 15 when non-volant juvenile bats (bats that cannot fly) may be roosting in the trees. Any fences that are erected as part of the Project should have a barbless top-strand wire to prevent entanglements of the Hawaiian hoary bat on barbed wire. For existing fences at the Petition Area, the top strand of barbed wire should be removed or replaced with barbless wire.

Archaeological, Historic, and Cultural Resources

An Archeological Inventory Survey ("AIS") was prepared by Scientific Consultant Services ("SCS") in September 2013 and April 2014. The scope of the work included historic and archaeological background research, ground surveillance and subsurface testing. No pre-Contact archaeological sites were identified. The AIS identified a single, historic plantation-era site, designated as State Site Number 50-30-09-2219, Pump No. 1 Ditch. This site has been documented, plotted on maps, photographed, and described in pamphlets and books. SCS recommended that no further historic presentation work is necessary in the Petition Area. The Petitioner should comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the State Department of Land and Natural Resources, State Historic Preservation Division ("SHPD").

In the event that historic resources, including human skeletal remains, are identified during construction activities, all work should cease in the immediate vicinity of the find, the find protected from additional disturbance, and the SHPD, Kauai Island Section, contacted immediately. If any burials or archaeological or historic sites are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery should stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implement to its satisfaction.

SCS completed a Cultural Impact Assessment ("CIA") for the Petition in June 2014. The CIA determined that the Petition Area has not been, and is not currently, used for traditional

cultural purposes and there are no “valued cultural, historical, or natural resources” in the Petition Area.

Mitigation Recommendation: Petitioner represents that it will comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the State Department of Land and Natural Resources, SHPD. OP supports the imposition of standard conditions related to (1) the discovery of archaeological and historic resources, and (2) the protection of established cultural practices and traditional gathering rights associated with the Petition Area, which the Commission is obligated to protect under the State Constitution and Hawaii case law.

Natural Resources Relevant to Hawai‘i’s Economy

Agricultural Resources

The Petition Area abuts the Agricultural District to the east and designated Important Agricultural Land (DR08-37, Alexander and Baldwin, Inc. 3,773 acres, Decision and Order dated March 10, 2009) to the northeast. These agricultural lands are cultivated in coffee. Of the 3,000-plus acres currently being utilized for coffee farming by Kauai Coffee, the approximately 75 acres to be reclassified represents less than three percent (3%) of the total area farmed. The Petition Area has not been designated as Important Agricultural Lands (“IAL”) pursuant to HRS Chapter 205.

OP received comments from the Department of Agriculture (“DOA”) on May 15 and May 17, 2017 (see **Exhibit 4**) noting that § 205-3.5, HRS requires that any decision approving a petition for a boundary amendment pursuant to Chapter 205, HRS where lands in the Petition Area are contiguous to or adjacent to lands in the Agricultural District shall include two conditions in the decision granting approval regarding farm operations and the Right to Farm disclosure. The DOA also expressed some concerns regarding the use of Section 201H-38, HRS, to exempt the Project from acquiring land use entitlements such as an expedited process before the Commission, given that the land is some of the best agricultural land on Kauai. The DOA believes that the Section 201H-38 process should be used judiciously for future development projects requiring reclassification of prime agricultural land. However, the DOA defers to the

County's ongoing need for affordable housing on Kauai and recognizes that the proposed development adjoins the Urban District.

Mitigation Recommendation: OP supports the inclusion of the following two standard conditions pursuant to § 205-3.5, HRS:

(1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District; and

(2) Notification to all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, HRS, the Hawaii Right To Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

Groundwater Resources

The estimated depth to groundwater is approximately 100 feet below the surface. The proposed housing units of the Project would be serviced by potable water provided by the County Department of Water ("DOW"), which regularly monitors water quality parameters to ensure adherence to all State and Federal standards. The Commission on Water Resource Management ("CWRM") in comments to OP dated January 27, 2017 (see Exhibit 5), recommended the use of water-efficient fixtures and water efficient practices implemented throughout the development. Also, that best management practices be used for stormwater management to minimize the impact to the area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. CWRM requested that the proposed source for irrigation water be identified, and that the potable and non-potable water demands be provided for each phase. Nonpotable demands should be met with alternative sources of water to the greatest extent possible, and the use of plantings appropriate for the area's rainfall regime are encouraged to lessen the need for irrigation water.

Recommended mitigation measures: OP recommends the imposition of a condition requiring the Petitioner to incorporate water conservation measures in the development of the Project, and recommends the inclusion of appropriate findings of fact to reflect the Petitioner's representation to use best management practices to reduce water demand and avoid polluted runoff.

Sustainability

The Petitioner proposes to incorporate sustainable development principles into the Project. Chapter 6 of the Lima Ola Workforce Housing Master Plan (2012) outlines the key focus areas for sustainable development, including but not limited to permeable surfaces and drainage, solar orientation and energy, natural ventilation and shade, water use, solid waste and recycling, topography sensitive design, urban design, sustainable transportation, and mauka-makai views. The focus on district-wide sustainability offers the opportunity to minimize cumulative environmental impacts and will create a more durable and resilient residential community. OP suggests that the development seek to obtain a nationally recognized sustainable neighborhood rating system certification, including but not limited to: Leadership in Energy and Environmental Design for Neighborhood Development (LEED-ND), Green Enterprise Communities, Ecodistricts or another comparable State-approved, nationally recognized and consensus-based guideline, standard or system.

Adequacy of Public Services and Facilities

Highway and Roadway Facilities

OP received written comments from the Department of Transportation ("HDOT") on April 13, 2017 (see **Exhibit 6**), and March 17, 2017 (see **Exhibit 7**). The HDOT provided comments on the various recommended highway improvements for the Project which is expected to be constructed in four phases (1A & B, 2, 3, and 4).

HDOT affirmed the transportation improvements for the intersections as provided in the Traffic Impact Analysis Report ("TIAR"), and confirmed that Phase 1 improvements will be funded by the County. HDOT stated that the County will be responsible for all costs for the construction of the remaining phased improvements for the Project.

HDOT requires an updated TIAR to be prepared prior to the execution of Phase 2 of the Project and before all subsequent phases to re-evaluate the validity of the TIAR, revise if necessary, and determine whether the previously proposed improvements are adequate or require revision. The updated TIAR will be submitted to HDOT for review and acceptance, specifically for proposed transportation improvements in the State Highway right-of-way. HDOT recommends prior to the issuance of a Certificate of Occupancy for that specific Project Phase, that the Phase-related transportation improvements be accepted by the HDOT.

Recommended Mitigation Measures: OP recommends conditions requiring that an updated TIAR be prepared prior to all Project phases. The updated TIAR will be submitted to HDOT for review and acceptance prior to the issuance of a Certificate of Occupancy.

Airport Facilities

HDOT provided airports (**Exhibit 7**) related comments as follows: (1) that the project will be subject to noise due to aircraft and helicopter overflights from Port Allen Airport, (2) the need to comply with Federal regulations for construction within 20,000 feet of a public use airport, and (3) that plants and grasses used for the proposed park not be attractive to wildlife which may create hazardous conditions for aircraft operations at the Airport.

Recommended Mitigation Measures: OP recommends that the Project comply with all Federal regulations for construction within 20,000 feet of a public use airport, and that plants and grasses used for the proposed park shall not be attractive to wildlife which may create hazardous conditions for aircraft operations at the Airport.

Schools

Students living in the Petition Area would be served by three State Department of Education (“DOE”) schools: 1) Eleele Elementary School, 2) Waimea Canyon Middle School, and 3) Waimea High School. The DOE in a letter to OP dated January 19, 2017 (see **Exhibit 8**), noted that the Project will take up all excess capacity at Eleele Elementary School, and at its mature stage, increase enrollment by approximately 77 students. The DOE is also concerned for a larger A&B project currently on hold that may include as many as 4,000 homes. At this time, there is adequate capacity to support the anticipated enrolment for Phase 1 at Eleele Elementary School, but the school may be at full capacity toward the later phases of the Project. The student

enrollment expected from the entire A&B project will likely require an additional elementary school, but DOE is concerned that any further division of the large project, after the Lima Ola project, will generate student enrollment beyond what can be handled at Eleele, but not sufficient to require a request for school land.

The DOE commented in the Final Environmental Assessment (“FEA”) that if the anticipated growth is significant, the DOE will consider imposing school impact fees in the area.

Air Quality

The Project will result in increased annual emissions, but worst case projected concentrations should remain well within both the State and national ambient air quality standards. Petitioner states that it will participate in an air quality monitoring program required by the State Department of Health.

Noise

Petitioner states that it will incorporate design considerations to control the noise emanating from stationary mechanical sources. Noise from future traffic increases due to the development of the project would be less than significant. Air quality and noise impacts occurring during the construction process will be addressed through best management practices, monitoring, and compliance to applicable regulations.

Recommended Mitigation Measures: OP will rely on Petitioner’s compliance with applicable federal, State, and County laws and rules and best practices to address air and noise quality impacts during onsite and offsite construction.

Water Resource and Distribution

Water resource and distribution systems for the Petition Area are managed by the County Department of Water (“DOW”). The DOW has conditionally approved water service for Phase 1 of the Project. The Water Master Plan for the Petition Area completed in September 2015 indicates that the current pumping capacity and source availability are adequate to accommodate the demand for Phase 1 of the development. Subsequent phases will be re-evaluated when

planning for that phase commences. If additional sources are necessary at the time of re-evaluation, then the Petitioner will discuss the viable options with DOW.

The CWRM in a letter dated May 23rd, 2017 (see Exhibit 9), noted that the Project indicates 304,380 gallons per day will be needed on an average day to serve 550 residential units at buildout. This is a slight increase from the 400 residential units requiring 0.265 million gallons per day described in the Workforce Housing Development Master Plan (Appendix A of the FEA). According to the FEA, future phases of the project may require that the developer install additional storage and transmission. The FEA identifies three existing wells - Hanapepe A, Hanapepe B, and Hanapepe 4 - as the water sources that will be used to supply the project. CWRM records show the pumping capacities for Hanapepe A and Hanapepe 4 are 470 gpm and 700gpm, respectively, which generally conforms with the information provided in the FEA. However, CWRM records show Hanapepe B has an 800 gpm capacity pump installed, rather than 900 gpm as stated in the FEA. The twelve month moving average withdrawals from the wells are currently well below the installed pumping capacities.

The Department of Land and Natural Resources ("DLNR") Engineering Division in a letter to OP dated January 20, 2017 (see Exhibit 10) stated that the Petitioner is required to provide water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan update projections.

Wastewater Systems

The wastewater generated by the Project would be serviced by the County of Kauai Wastewater Management Division Eleele Wastewater Treatment Plant (WWTP). The wastewater generated by the Lima Ola Housing Development would gravity flow towards the county sewer line located at the eastern end of Mahea Road, near the Project boundary. The proposed development would generate an average wastewater flow of 0.16 mgd, which combined with the current usage of 0.4 mgd in the area, is well within the treatment capacity of the Eleele WWTP of 0.8 mgd.

Drainage

No permanent surface water bodies or natural wetlands are located within the Petition Area. However, a man-made irrigation ditch, Pump No. 1 Ditch, which was previously used for agricultural purposes, is located in the Petition Area. The U.S. Fish and Wildlife Service classifies Pump No.1 Ditch as an intermittent, man-made riverine, which is occasionally flooded.

The development of the Project will include the construction of a surface water drainage system to collect storm water flow. Storm water would initially enter vegetated drainage swales located along internal roadways, and provide natural infiltration. Low-impact development, such as bioswales and rain gardens, will be incorporated into the Project to provide storm water treatment and to reduce the size of the storm water drainage system. Water will be collected in subsurface pipe culverts, which would channel water to an on-site vegetated detention basin, which allows for further natural filtration, as well as groundwater recharge and particle deposition. The detention basin will be designed for a two-year, 24-hour storm recurrence interval. All features proposed above are to be designed in accordance with the standards of the County Department of Public Works.

Mitigation Recommendation: OP recommends the imposition of a condition requiring the Petitioner to construct and maintain drainage improvements as designed, and use low impact development techniques to mitigate stormwater and drainage impacts to the extent feasible. OP also recommends the inclusion of appropriate findings of fact to reflect Petitioner's representations.

Civil Defense

The closest County evacuation shelter to the Petition Area is located at Eleele Elementary School. The Eleele Elementary school shelter is considered to be a “Shelter of Last Resort” by the Kauai Emergency Management Agency (“KEMA”). The shelter is intended to be used only by residents living in homes with older construction, or who would otherwise remain in an inundation area. Due to the safer standards of the current building code, KEMA intends to advise the residents of the Project to remain in their units in the event of a natural disaster. KEMA does not anticipate that the Project will lead to overcrowding at this shelter. KEMA also recommends that the proposed Community Center be constructed in a way that would allow it to serve as a Civil Defense Shelter.

The Hawaii Emergency Management Agency (“HI-EMA”) in a letter to OP dated January 5th (see **Exhibit 11**), concurs with the KEMA comments and also recommends incorporating hardening measures for safe rooms within planned residential facilities, and the hardening of proposed community facilities so as to withstand high-wind and/or seismic events.

Recommended Mitigation: OP recommends the imposition of a condition requiring the Petitioner to construct the proposed community facilities so as to withstand high-wind and/or seismic events.

Provision for Employment Opportunities and Economic Development

The Project will provide affordable housing for Kauai’s workforce. The influx of new residents is expected to bring greater economic vitality to the region. Construction activities would result in the short- and long-term creation of jobs and materials spending, which would continue until full build-out of the Project is completed in several decades.

Provision for Housing Opportunities

The Project when fully built-out, will consist of approximately 550 residential units (single- and multi-family). All of the units will be offered for sale or rent to buyers/renters who earn no more than 140 percent of the Kauai median household income. A variety of residential types will be offered for sale and rent at Lima Ola. The Market Study for the Project Area provides additional detail of the proposed Lima Ola Unit Inventory pricing, including information on tenure type and pricing. The development timetable for housing will depend

upon variables such as access to funding affordable housing needs. The Commission has granted the Petition for Declaratory Order to waive the incremental development schedule for this Project.

To facilitate the development of Lima Ola, the HHFDC and the Petitioner entered into a Memorandum of Agreement effective August 11, 2016 (see **Exhibit 12**). The Agreement establishes a cooperative relationship between HHFDC and the Petitioner and defines the roles and responsibility of both parties for the development of Lima Ola.

CONFORMITY WITH APPLICABLE DISTRICT STANDARDS, STATE PLANNING STATUTES, COUNTY PLANS, AND OTHER DECISION-MAKING CRITERIA

The following summarizes OP's assessment of the Petition's conformity with applicable district standards, planning statutes, plans, and other criteria the Commission must consider in decision-making for a district boundary amendment petition.

Applicable District Standards

The Petition Area is surrounded by lands classified as State Urban District to the west/northwest, and the Petition generally meets the standards for determining State Urban District boundaries set forth in HAR § 15-15-18.

Hawaii State Plan, Priority Guidelines, and State Functional Plans

With appropriate mitigation, the proposed reclassification is generally consistent with the goals, objectives, and policies of the Hawaii State Plan, in particular, the development of affordable housing and the location of new development in areas with existing infrastructure and facilities. It is consistent with the State Housing Functional Plan.

Coastal Zone Management Objectives and Policies, HRS § 205A-2

The Project generally conforms to the CZM objectives and policies set forth in HRS § 205A-2. The Petition Area is not within the County's Special Management Area.

Areas of State Concern

The Project contributes favorably to the provision of affordable housing. With appropriate mitigation measures as discussed earlier, the Petitioner can minimize the impacts on natural resources, public facilities and services.

County Plans

The Petition is consistent with policies in the County's current General Plan and the draft update of the General Plan. The Kauai County Council approved an exemption to the County General Plan to amend the land use map area designation from Agricultural to Residential, pursuant to HRS § 201H-38, to permit the development and use of parcels for single-family and multi-family residential purposes, including supporting infrastructure requirements [Pet. Ex. 5]. The Kauai County Planning Department began updating the General Plan in 2015 and a draft is undergoing Planning Commission and County Council review. The draft Future Land Use Map designates Lima Ola as a "residential community" and sets forth policy supporting the eastward expansion of Port Allen and Eleele. The Project also conforms to the vision of the Hanapepe-Eleele Community Development Plan.

Public Trust Resources

HRS § 205-4 and HRS § 225M-2(b)(5), authorize OP to develop and present the position of the State in all boundary change petitions and proceedings before the Commission. We note that the Hawaii Intermediate Court of Appeals recently decided *Kauai Springs v. Planning Commission of the County of Kauai*, dated April 30, 2013, which required that decision-makers specifically consider the applicant's use of public trust resources pursuant to Article XI, section 1 of the Hawaii Constitution. OP has made "appropriate assessments" and "require(d) reasonable measures" to protect public trust resources. The public trust evaluation has been integrated into the analysis and recommendations provided herein.

Petitioner Representations and Commitments

The Petitioner's FEA discusses numerous mitigation measures that will or should be undertaken to alleviate the impacts of the proposed project. The Petitioner will be accountable for compliance with representations made in its FEA, Petition and this proceeding.

III. RECOMMENDATION

Based on the foregoing information and analysis, OP recommends the approval of the Petition subject to the Petitioner's commitments to avoid, minimize, or mitigate Project impacts as represented herein and in this proceeding, and the imposition of the following conditions of approval in addition to the standard conditions of the Commission.

1. **Agricultural Resources.** Pursuant to HRS § 205-3.5:
 - a. A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the Agricultural District; and
 - b. Notification to all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the Agricultural District are protected under Chapter 165, HRS, the Hawaii Right To Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.
2. **Endangered Species.** Petitioner shall complete the following:
 - A. Construction activity shall be restricted to daylight hours as much as practicable during the seabird breeding season (April through November) to avoid the use of nighttime lighting that could be an attraction to seabirds.
 - B. All outdoor lighting shall be shielded to prevent upward radiation so as to reduce the potential for seabird attraction.

- C. Outside lights that are not needed for security and safety should be turned off from dusk through dawn during the fledgling fallout period (September 15-December 15).
 - D. To avoid potential impacts to the Hawaiian hoary bat, any trees taller than 15 feet in the Petition area should be trimmed or removed between June 1 and September 15.
 - E. Any fences that are part of the Project should have a barbless top-strand wire to prevent entanglements of the Hawaiian hoary bat on barbed wire.
3. **Highway and Road Facilities.** Petitioner shall submit an updated TIAR prior to each phase of development to the HDOT for its review and acceptance prior to the issuance of a Certificate of Occupancy for that phase. Petitioner shall mitigate all project-generated traffic impacts as recommended and/or required by the TIAR by the HDOT.
 4. **Airports.** The Petitioner shall follow the guidance contained in the FAA's Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports. Plant and grass varieties used in the park shall not be attractive to wildlife which may create hazardous conditions for aircraft operations at the Airport.
 5. **Civil Defense.** Petitioner shall construct the proposed community facilities so as to withstand high-wind and/or seismic events.
 6. **Stormwater Management and Drainage.** Petitioner shall design and construct stormwater and drainage system improvements in compliance with applicable federal, State, and County laws and rules, and maintain the improvements, or cause to be maintained, as designed. To the extent feasible, Petitioner shall mitigate nonpoint source pollution by incorporating low impact development practices for on-site stormwater capture and reuse into the Petition Area's site design and landscaping to reduce runoff and prevent pollution of affected State highway facilities, downstream properties, receiving gulches and streams, and estuaries that connect with coastal waters.

7. **Water Conservation Measures.** Petitioner shall implement water conservation measures and Best Management Practices (“BMPs”), such as use of endemic, indigenous, and drought-tolerant plants and turf, and incorporate such measures into the Petition Area’s site design and landscaping.
8. **Previously Unidentified Burials and Archaeological/Historic Resources.** In the event that historic or archaeological resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, Kauai Island Section, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites, such as artifacts, marine shell concentrations, charcoal deposits, stone platforms, paving, and walls not previously identified in studies referred to herein, are discovered during the course of construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.
9. **Established Access Rights Protected.** Pursuant to Article XII, Section 7, of the Hawaii State Constitution, Petitioner shall preserve any established access rights of native Hawaiians who have customarily and traditionally used the Petition Area to exercise subsistence, cultural, and religious practices, or for access to other areas.
10. **Compliance with Representations.** Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification, or change to a more appropriate classification.

DATED: Honolulu, Hawai'i, this 26th day of May, 2017.

OFFICE OF PLANNING
STATE OF HAWAI'I



A handwritten signature in black ink, appearing to read "L. Asuncion", is written over a horizontal line.

LEO R. ASUNCION
Director





Kauai

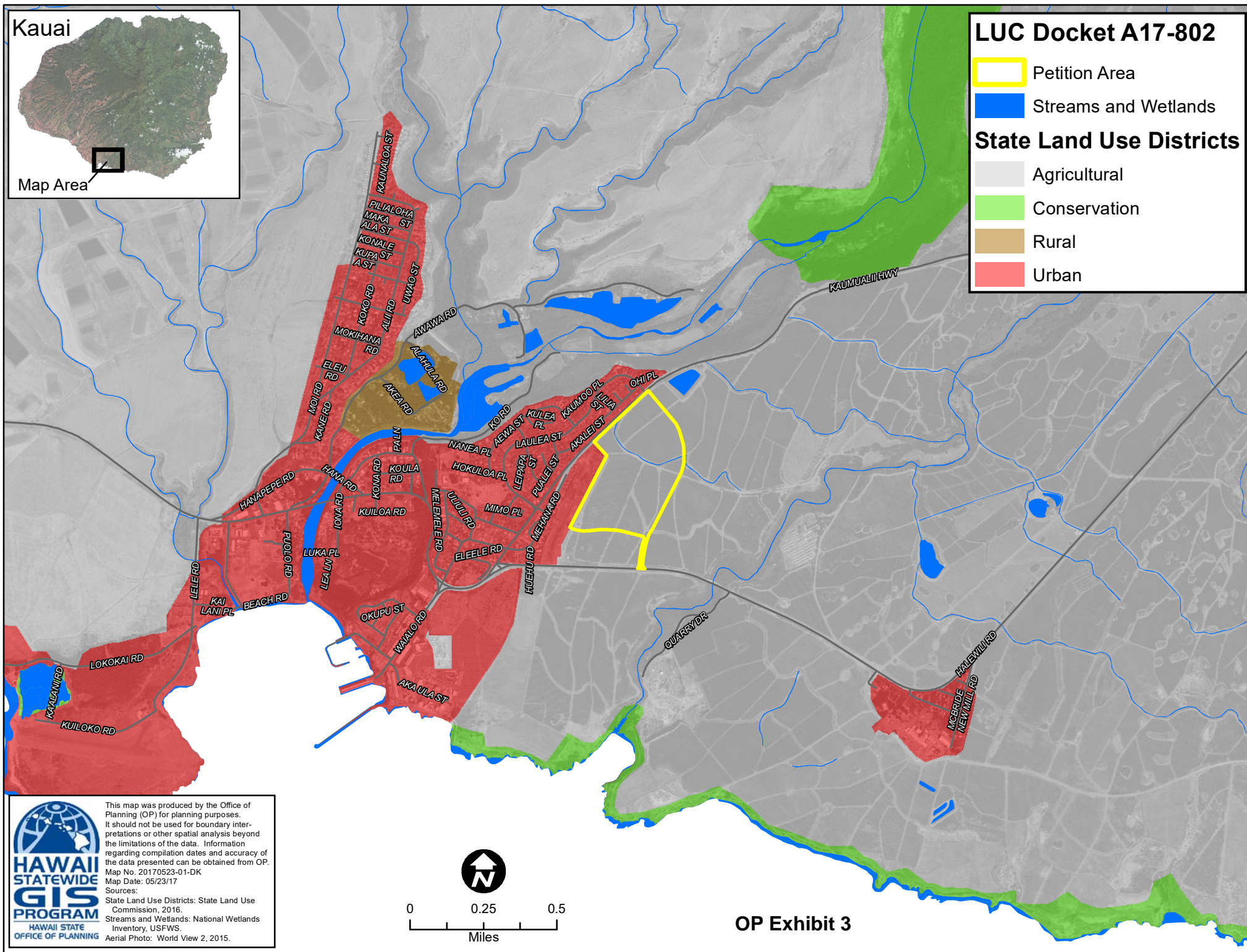
Map Area

LUC Docket A17-802

-  Petition Area
-  Streams and Wetlands

State Land Use Districts

-  Agricultural
-  Conservation
-  Rural
-  Urban



This map was produced by the Office of Planning (OP) for planning purposes. It should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. Information regarding compilation dates and accuracy of the data presented can be obtained from OP.
Map No. 20170523-01-DK
Map Date: 05/23/17
Sources:
State Land Use Districts: State Land Use Commission, 2016.
Streams and Wetlands: National Wetlands Inventory, USFWS.
Aerial Photo: World View 2, 2015.

OP Exhibit 3

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

May 11, 2017

SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson



see 77231

Mr. Leo R. Asuncion, Director
Office of Planning
235 South Beretania St., 6th Floor
Honolulu, Hawaii 96813

Attention: Ms. Nicola Szibbo

Dear Mr. Asuncion:

Subject: Petition for Amendment of the State Land Use District Boundaries:
Docket No. A17-802
Agricultural to Urban District
County of Kauai Housing Agency
Lima Ola Workforce Housing Development
Single-family and multi-family residential (550 units)
Ele'ele, Kauai, Hawaii
Area: 75 acres
TMK: 2-1-001: 54

Thank you for the opportunity to provide our comments on the subject petition. This reclassification is being sought pursuant to Section 201H-38, HRS that exempts qualified affordable housing projects from State and county land use regulations, and requires the Land Use Commission (LUC) to undertake fast-tracking procedures. The full development of the project is anticipated to take 30 years (Final EA, Appendix A, page 1).

The petitioned area is located within the State Agricultural District and is designated as "Agriculture" in the Kauai General Plan. The petitioned area adjoins the Urban District of Ele'ele Iluna subdivision and Ele'ele village to the west, across Kaumualii Highway.



OP Exhibit 4

To the northeast, the petitioned area adjoins the 3,773 acres of Important Agricultural Land designated by the LUC in March 2009. The petitioned area and the agricultural land to the east is mostly cultivated in coffee by Kauai Coffee Company. Prior to coffee, the area was cultivated in sugarcane.

Kauai Coffee Company will vacate the petitioned area pursuant to an agreement with the County, when development of the housing project commences. The Statewide Agricultural Land Use Baseline 2015 Study confirms that coffee is grown to the northeast and east of the petitioned area (Study, page 52).

Comments:

The 75-acre petitioned area has a long history of sugarcane, then coffee production. The "Detailed Land Classification – Island of Kauai" (December, 1967) also known as the Land Study Bureau (LSB), assigns the majority of the petitioned area with an Overall Productivity Rating of "A", and the remainder rated "B" (Maps 37 & 57). Similarly, the majority of the area is designated as "Prime" by the Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

While the Department defers to the County's claims that there is an ongoing need for affordable housing on Kauai and recognizes that the proposed development adjoins the Urban District on its western boundary, it will convert some of the best agricultural lands on Kauai for residential purposes. The County's Important Agricultural Lands Study (July 2015) identifies the petitioned area to have met the threshold for County designation as Important Agricultural Lands (Study, page 44). As mentioned earlier, the area also abuts 3,773 acres of designated Important Agricultural Land. We were not able to find how the County arrived at the selection of the site and what alternative sites were also considered.

The Department is concerned of the use of Section 201H-38, HRS, to exempt the project from acquiring land use entitlements such as an expedited process before the LUC. The Department believes that the Section 201H-38 process should be used judiciously for future development projects requiring reclassification of prime agricultural lands.

Finally, as the proposed residential development abuts lands in the Agricultural District, a decision to approve the petition by the LUC must include the conditions contained in Section 205-3.5, HRS.

Mr. Leo R. Asuncion
May 11, 2017
Page 3

Should you have any questions, please contact Earl Yamamoto at 973-9466, or email at earl.j.yamamoto@hawaii.gov.

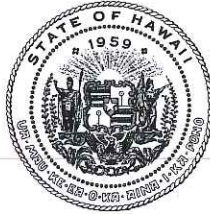
Sincerely,

A handwritten signature in blue ink, appearing to read "Scott E. Enright", with a long horizontal flourish extending to the right.

Scott E. Enright
Chairperson, Board of Agriculture

Lima ola – Kauai – 75 acres – ag to urban -affordable housing

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU HAWAII 96809

January 31, 2017



State of Hawaii
Department of Business, Economic
Development & Tourism
Office of Planning
Attention: Mr. Leo R. Asuncion, Director
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Dear Mr. Asuncion:

SUBJECT: Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change: State Agricultural to State Urban District for Lima Ola Workforce Housing Development

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments previously sent you on January 27, 2017, enclosed are comments from the Commission on Water Resource Management on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

OP Exhibit 5



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 6, 2017

MEMORANDUM

TO:

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Kauai District
- ☒ Historic Preservation

FR:

TB:

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change: State Agricultural to State Urban District for Lima Ola Workforce Housing Development

LOCATION: Eleele, Island of Kauai; TMK: (4) 2-1-001:054

APPLICANT: State of Hawaii, Office of Planning

RECEIVED
COMMISSION ON WATER AND DIVISION
RESOURCE MANAGEMENT
2017 JAN 10 AM 9:19 JAN 31 AM 8:15
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

Transmitted for your review and comment is information on the above referenced petition. We would appreciate your comments on this petition. Please submit any comments by **January 26, 2017**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed: /s/ Jeffrey t. Pearson, P.E.

Print Name: Deputy Director

Date: January 27, 2017

cc: Central Files

1/27




STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

January 27, 2017

REF: RFD.4541.2

TO: Mr. Leo Asuncion, Director
DBEDT, Office of Planning

FROM: Jeffrey T. Pearson, P.E., Deputy Director
Commission on Water Resource Management 

SUBJECT: Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802

FILE NO.: RFD.4541.2
TMK NO.: (4) 2-1-001:054

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://dlnr.hawaii.gov/cwrn>.

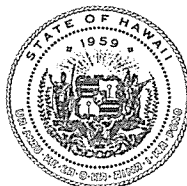
Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☒ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EAP as having high water efficiency can be found at <http://www.epa.gov/watersense>.
- ☒ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://planning.hawaii.gov/czm/initiatives/low-impact-development/>
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☒ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>.
- ☒ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at

http://www.hawaiiscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf.

- ☐ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.
- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. A Well Construction Permit(s) is (are) are required before the commencement of any well construction work.
- ☐ 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 14. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- ☒ OTHER: The report states that Phase 1 demands can be accommodated within the existing capacity of the county municipal system and that additional storage or transmission may be required to support later phases of the project. The proposed source for irrigation water is not identified. The FEA does not disclose the quantities of potable and nonpotable water needed for each phase or provide calculations for the estimated demands. Nonpotable demands should be met with alternative sources of water to the greatest extent possible. We also encourage plantings that are appropriate for the area's rainfall regime so as to lessen the need for irrigation water.

If you have any questions, please contact Lenore Ohye of the Commission staff at 587-0216.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

FORD N. FUCHIGAMI
DIRECTOR

Deputy Director
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:
STP 8.2111

April 13, 2017

Ms. Kanani Fu
Housing Director
Kauai County Housing Agency
Piikoi Building
4444 Rice Street, Suite 330
Lihue, Hawaii 96766

Dear Ms. Fu:

Subject: Lima Ola Work Force Housing
Response to HDOT Comments
Eleele, Kauai
TMK: (4) 2-1-001:054

The Department of Transportation (HDOT) has the following comments on the subject project:

Airports Division

The Airports Division has read the response to HDOT comments sent by Community Planning and Engineering, Inc. dated March 22, 2017 and finds the responses adequate.

Highways Division

Community Planning and Engineering, Inc. provided responses to HDOT comments in STP 8.2023 dated September 20, 2016 regarding the Lima Ola Work Force Housing project (Project). HDOT finds the responses satisfactory and propose the following stipulations.

The Project is expected to be constructed in four phases (1A & 1B, 2, 3, and 4). HDOT understands the transportation improvements as provided in the Traffic Impact Analysis Report (TIAR) and the March 22, 2017 response for Phase 1 has been funded by the County, and that the County will be responsible for all costs for the construction of the remaining phased improvements for the Project.

An updated TIAR will be prepared prior to execution of Phase 2 of the Project and before all subsequent phases to re-evaluate the validity of the TIAR and revised if necessary and determine whether the previously proposed improvements are adequate or require revision. The TIAR will be submitted to HDOT for review and acceptance, specifically for proposed transportation improvements in the State Highway right-of-way.

Ms. Kanani Fu
April 13, 2017
Page 2

STP 8.2111

HDOT recommends prior to the issuance of a Certificate of Occupancy for that Project Phase the Phase-related transportation improvements are accepted by the HDOT.

HDOT has also provided two additional comments in a letter dated March 17, 2017, STP 8.2094. HDOT has contacted the consultant which the comments have been resolved and accepted by HDOT.

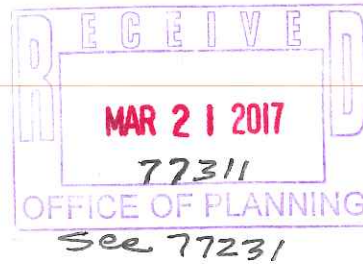
If there are any questions, please contract Mr. Norren Kato of the HDOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

Sincerely,

A handwritten signature in black ink, appearing to read 'FORD N. FUCHIGAMI', with a horizontal line extending to the right.

FORD N. FUCHIGAMI
Director of Transportation

c: County of Kauai Planning Department
CP&E, Inc.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

STP 8.2094

March 17, 2017

TO: LEO R. ASUNCION, DIRECTOR
OFFICE OF PLANNING

FROM: FORD N. FUCHIGAMI *XS*
DIRECTOR OF TRANSPORTATION

SUBJECT: PETITION FOR AMENDMENT OF THE STATE LAND USE DISTRICT
BOUNDARIES: LAND USE COMMISSION DOCKET NO. A17-802
LIMA OLA WORKFORCE HOUSING DEVELOPMENT

Thank you for the opportunity to comment on the subject Petition. Our Department of Transportation (DOT) comments are provided below:

Airports Division (DOT-AIR)

DOT-AIR previously provided comments on the project to the project consultant in AIR-EP 15.0004 (attached), and the comments remain applicable. To reiterate:

1. The project proposes to develop 550 housing units, and will also include a community center/park.
2. The developer should be advised that the project site will be subject to noise due to aircraft and helicopter overflight from Port Allen Airport.
3. The developer should submit a Federal Aviation Administration (FAA) Form 7460-1 "Notice to Proposed Construction or Alteration", in accordance with Code of Federal Regulations, Title 14, Part 77.9, if construction or alteration is within 20,000 feet of a public use airport. The form can be accessed at the following website:

<https://oeaaa.faa.gov/oeaaa/external/portan.jsp>.

4. Due to the close proximity of the Airport to the proposed park, we recommend that the developer follow the guidance contained in the FAA's Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants On or Near Airports, and that plant and grass varieties used, not be attractive to wildlife which may create hazardous conditions for aircraft operations at the Airport.

Highways Division (DOT-HWY)

1. The project Traffic Impact Analysis Report (TIAR) (Hatch Mott McDonald, March 24, 2014, Revised October 28, 2014) lacks the stamp of the State of Hawaii Licensed Professional Traffic Engineer.
2. The TIAR contains a section that seems to disclaim any responsibility by Hatch Mott McDonald for the contents of the TIAR. This appears to be inconsistent with the responsibility and duty of a Professional Engineer.

In addition, DOT-HWY previously provided comments on the TIAR and these remain applicable. To reiterate:

General

The TIAR sets various triggers for traffic congestion and gives the County of Kauai the responsibility for making improvements to the State Highway System. However, there is no commitment of county funds, and the TIAR does not identify who will verify the traffic volumes and whether or not the signal warrants are met. A financial plan should be developed and approved by the county. Also, there should be a commitment on who verifies the traffic counts and determines if the signal warrants are met.

Implementation Triggers

The TIAR establishes an implementation trigger for Waialo Road (Route 54) – Eleele/Kaumualii Highway (Route 50) improvements as when the westbound left turn lane on Kaumualii Highway exceeds 300 vehicles during AM and PM peak hour traffic periods (7:00-8:00 AM and 4:00-5:00 PM) for two consecutive years. The TIAR should explain how the two-year timeframe and 300-vehicle threshold was determined.

The TIAR sets an implementation trigger for Kaumualii Highway – Halewili Road (Route 541) improvements as when delays on the Halewili Road approach to Kaumualii Highway exceeds 200-seconds during the PM peak hour (4:00-5:00 PM). The rationale behind the 200-second threshold should be explained.

Recommended Improvements

The TIAR recommends that a second westbound Kaumualii Highway left turn lane be added at the intersection with Waialo Road, along with a second through lane on Waialo Road leaving the intersection (pg. 14). These improvements would require modification of the existing traffic signal and likely the relocation of the existing Port Allen sign, and this would necessitate the need for additional right of way. Consideration should be given for the purchase of additional right of way.

The TIAR recommends the addition of a southbound median acceleration lane on Kaumualii Highway at the intersection with Halewili Road among other improvements (pg. 14). Again, consideration should be given to the purchase of additional right of way.

Another recommendation for this intersection is that a southbound left turn lane should be added along Kaumualii Highway in order to prevent the formation of a southbound Kaumualii Highway vehicle queues waiting behind traffic attempting to turn left onto Halewili Road (pg. 15). However, the relatively small number of left turns does not appear to justify such action; a ban on left turns should be considered as an alternative.

Note 1 recommends that channelizers be added to a least part of the new acceleration lane stripe separating it from the mainline southbound through lane in order to prevent traffic from merging into the acceleration lane too early (pg. 15). The potential conflict this may create should be considered.

The TIAR states that for the Kaumualii Highway/Laulea Street (South) – Mahea Road intersection, the MUTCD signal warrant #3 (Peak Hour) was found to be met under Future with Project conditions (pg. 15). However, the Peak Hour warrant is not applicable in this case. The TIAR also states that improvements at the intersection are not recommended until traffic volumes meet a minimum of two of the three MUTCD volume-based signal warrants. The rationale for this criteria should be explained.

For Kaumualii Highway/Laulea Street (North), the TIAR also states that the MUTCD signal warrant #3 (Peak Hour) was found to be met under Future with Project conditions (pg. 15). Again, the Peak Hour warrant is not applicable. The TIAR recommends signalizing the intersection and converting the existing northbound median acceleration lane on Kaumualii Highway into a southbound left turn lane. However, as noted previously, there should be a financial commitment from the county should the improvements be approved by DOT.

The TIAR indicates that if Phase 1 and 2 of this project are built and occupied prior to installation of the proposed traffic signals at Kaumualii Highway intersections with Laulea Street (South) – Mahea Road and Laulea Street (North) that interim pedestrian safety measures will be needed (pg. 17). However, there is no evidence that the school crossing warrant was evaluated for the intersection. If the warrant was not evaluated, the rationale should be provided.

Recommended interim options include the installation of Pedestrian Hybrid Beacons. This option may be confusing to the public as there is little familiarity with these on Kauai. Also, listed as an option is the installation of Flashing Pedestrian Crossing and Rumble Strips. These include in-roadway flashing lights. DOT-HWY's experience with in-road flashing lights has not been positive, and we recommend that this option be deleted from consideration.

If there are any questions, please contact Mr. Norren Kato at the DOT Statewide Transportation Planning Office at telephone number (808) 831-7986.



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AIRPORTS DIVISION
400 RODGERS BOULEVARD, SUITE 700
HONOLULU, HAWAII 96819-1880

January 15, 2015

FORD N. FUCHIGAMI
DIRECTOR

Deputy Directors
JADE T. BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN

IN REPLY REFER TO:

AIR-EP
15.0004

STP-M

Community Planning and Engineering, Inc.
c/o Mr. Max Solmssen, Project Manager
1286 Queen Emma Street
Honolulu, Hawaii 96813

STP

gmm

Dear Mr. Solmssen:

Subject: Lima Ola Workforce Housing Development
Ele'ele, Kauai, Hawaii

We have just received notice of the subject project and have the following comments:

- It is our understanding that this project proposes to develop 550 housing units, which will also include a community center/park.
- Please advise the developer that the project site will be subject to noise due to aircraft and helicopter overflights from Port Allen Airport.
- The developer should submit a Federal Aviation Administration (FAA) Form 7460-1 "Notice of Proposed Construction or Alteration", in accordance with Code of Federal Regulations, Title 14, Part 77.9, if construction or alteration is within 20,000 feet of a public use airport. The form can be accessed at the following website:
<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
- Due to the close proximity of the Airport to the proposed park, we recommend that the developer follow the guidance contained in the Federal Aviation Administration's (FAA's) Advisory Circular (AC) 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*, and that plant and grass varieties used, not be attractive to wildlife which may create hazardous conditions for aircraft operations at the Airport.

Should you have any questions regarding the above, please contact Ms. Lynn Becones, Planner, at (808) 838-8817.

Sincerely,

ROSS M. HIGASHI
Deputy Director - Airports

c: Mr. Gordon Wong, Federal Aviation Administration

bc: AIR-K, -L, STP



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804



OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

January 19, 2017

TO: Leo R. Asuncion
Director, Office of Planning
Department of Business, Economic Development and Tourism

FROM: Kenneth G. Masden II
Public Works Manager, Planning Section, Facilities Development Branch

SUBJECT: Petition for Amending State land Use District Boundaries for Lima Ola
Workforce Housing, Eleele, Kauai

The Department of Education (DOE), Facilities Development Branch, has reviewed the Petition for boundary amendments for the Lima Ola Workforce Housing. The DOE did not receive a copy of any correspondence on the project until we had to request a copy of the Final Environmental Assessment. We sent our comments in the attached letter of June 1, 2016. Our position on the impact of the project is the same as stated in the letter. The details we reported in the letter are unchanged and we would like the letter to become part of our comments to the Office of Planning. We believe the project will take up all possible excess capacity at Eleele Elementary School.

The DOE is concerned that this project is on a small portion of a larger property for an Alexander & Baldwin project that has been put on hold. That project may include as many as 4,000 homes. The student enrollment expected from the entire project will likely require an additional elementary school. We are concerned that any further division of the large project, after the Lima Ola project, will generate student enrollment beyond what can be handled at Eleele, but not sufficient to require a request for school land. We would have appreciated an acknowledgement that this project is a small, early portion of a much larger project.

If you have any questions, please call Heidi Meeker of the Planning Section, Facilities Development Branch, at 784-5080.

KGM:jmb
Attachment

OP Exhibit 8

c: Office of School Facilities and Support Services
Facilities Development Branch



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES

June 1, 2016

Mr. Max Solmssen
Project Manager
Community Planning and Engineering, Inc.
1286 Queen Emma Street
Honolulu, Hawaii 96813

Re: Lima Ola Workforce Housing Development, Eleele, Kauai, TMK No. 2-1-001:054

Dear Mr. Solmssen:

The Department of Education (DOE) Facilities Development Branch has only recently learned about the Lima Ola Workforce Housing project (Project) proposed for Eleele, Kauai. All requests for pre-consultation and review of Draft and Final Environmental Assessments (EA) or Environmental Impact Statement should be sent to the DOE Superintendent.

The DOE has reviewed the EA for the Project and noticed there is almost no reference to public schools in the document. There is no doubt the project will have a major impact on Eleele Elementary School. Public schools were not considered a public service like the police and fire services. The EA should have identified all the schools that would serve the proposed project. It would have also been important to get current enrollment and classroom capacity figures from the DOE.

Eleele Elementary is very close to its enrollment capacity. The DOE is concerned that the Lima Ola Project will eventually, at the Project's mature stage, increase the Eleele enrollment by approximately 77 students. We estimate the impact of Phase 1 of the Project will be approximately 25 additional elementary students.

There is sufficient space at Waimea Canyon Middle School and Waimea High School to accommodate all phases of the Project's estimated impact of 22 more students at the middle school and 40 at the high school.

Mr. Max Solmssen


June 1, 2016

Page 2

It is important for the DOE to go on the record as saying the proposed project would take up all possible excess capacity at Eleele Elementary. As other projects in the area get developed, DOE will have to consider methods for handling additional enrollment beyond what the school is currently capable of handling. If the anticipated growth is significant, the DOE will consider imposing school impact fees in the area.

If you have any questions, please contact Heidi Meeker of the Facilities Development Branch at (808) 784-5080.

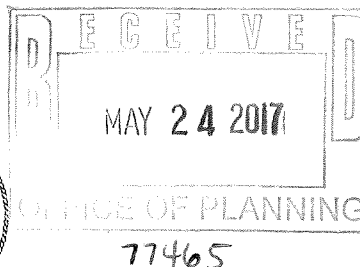
Respectfully,



Kenneth G. Masden II
Public Works Manager
Planning Section

KGM:jmb

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON

WILLIAM D. BALFOUR, JR.
KAMANA BEAMER, PH.D.
MICHAEL G. BUCK
MILTON D. PAVAO
VIRGINIA PRESSLER, M.D.
NEIL J. HANNAHS

JEFFREY T. PEARSON, P.E.
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

May 23, 2017

REF: A-17-802 Lima Ola.LUC

TO: Nicola Szibbo
Office of Planning

FROM: Jeffrey T. Pearson, P.E., Deputy Director *J.T.P.*
Commission on Water Resource Management

SUBJECT: Draft Petition for Land Use District Boundary Amendment
Lima Ola Workforce Housing

FILE NO.: N/A
TMK NO.: (4)2-1-001:054

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrm>.

Our comments related to water resources are checked off below.

- ☐ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☒ 3. We recommend coordination with the Hawaii Department of Agriculture (HDOA) to incorporate the reclassification of agricultural zoned land and the redistribution of agricultural resources into the State's Agricultural Water Use and Development Plan (AWUDP). Please contact the HDOA for more information.
- ☒ 4. We recommend that water efficient fixtures be installed and water efficient practices implemented throughout the development to reduce the increased demand on the area's freshwater resources. Reducing the water usage of a home or building may earn credit towards Leadership in Energy and Environmental Design (LEED) certification. More information on LEED certification is available at <http://www.usgbc.org/leed>. A listing of fixtures certified by the EPA as having high water efficiency can be found at <http://www.epa.gov/watersense/>.
- ☒ 5. We recommend the use of best management practices (BMP) for stormwater management to minimize the impact of the project to the existing area's hydrology while maintaining on-site infiltration and preventing polluted runoff from storm events. Stormwater management BMPs may earn credit toward LEED certification. More information on stormwater BMPs can be found at <http://hawaii.gov/dbedt/czm/initiative/lid.php>.
- ☒ 6. We recommend the use of alternative water sources, wherever practicable.
- ☐ 7. We recommend participating in the Hawaii Green Business Program, that assists and recognizes businesses that strive to operate in an environmentally and socially responsible manner. The program description can be found online at <http://energy.hawaii.gov/green-business-program>

DRF-IA 03/20/2013

- ☒ 8. We recommend adopting landscape irrigation conservation best management practices endorsed by the Landscape Industry Council of Hawaii. These practices can be found online at http://www.hawailscape.com/wp-content/uploads/2013/04/LICH_Irrigation_Conservation_BMPs.pdf
- ☐ 9. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM:

Additional information and forms are available at http://hawaii.gov/dlnr/cwrn/info_permits.htm.

- ☐ 10. The proposed water supply source for the project is located in a designated water management area, and a Water Use Permit is required prior to use of water. The Water Use Permit may be conditioned on the requirement to use dual line water supply systems for new industrial and commercial developments.
- ☐ 11. A Well Construction Permit(s) is (are) required before any well construction work begins.
- ☐ 12. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.
- ☐ 13. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 14. Ground water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 15. A Stream Channel Alteration Permit(s) is (are) required before any alteration(s) can be made to the bed and/or banks of a stream channel.
- ☐ 16. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is (are) constructed or altered.
- ☐ 17. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 18. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.

☒ OTHER:

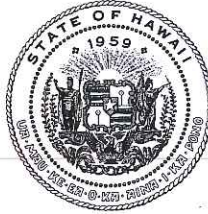
Information contained in the petition for boundary amendment and the final environmental assessment (FEA) for this project indicates 304,380 gallons per day will be needed on an average day to serve 550 residential units at buildout. This is a slight increase from the 400 residential units requiring 0.265 million gallons per day described in the Workforce Housing Development Master Plan (Appendix A of the FEA).

According to the FEA, the Department of Water has conditionally approved water service for Phase 1 of the project and future phases may require that the developer install additional storage and transmission. The FEA identifies three existing wells - Hanapepe A, Hanapepe B, and Hanapepe 4 – as the water sources that will be used to supply the project. Our records show the pumping capacities for Hanapepe A and Hanapepe 4 are 470 gpm and 700 gpm, respectively, which generally conforms with the information provided in the FEA. However, our records show Hanapepe B has an 800 gpm capacity pump installed, rather than 900 gpm as stated in the FEA. The twelve-month moving average withdrawals from the wells are currently well below the installed pumping capacities.

As noted above, we recommend that high efficiency water fixtures be installed throughout the development, that stormwater runoff be used for landscape irrigation to the extent feasible, and that the landscape best management practices endorsed by the Landscape Industry Council of Hawaii be implemented.

If there are any questions, please contact Lenore Ohye at 587-0220.

DAVID Y. IGE
GOVERNOR OF HAWAII

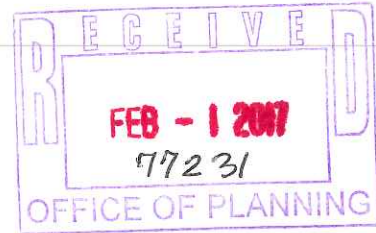


SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 27, 2017



COPY

State of Hawaii
Department of Business, Economic
Development & Tourism
Office of Planning
Attention: Mr. Leo R. Asuncion, Director
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Dear Mr. Asuncion:

SUBJECT: Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change: State Agricultural to State Urban District for Lima Ola Workforce Housing Development

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comments.

At this time, enclosed are comments from the (a) Engineering Division and (b) Land Division – Kauai District on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files

OP Exhibit 10

DAVID Y. IGE
GOVERNOR OF HAWAII



17 JAN 09 AM 10:51 ENGINEERING

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 6, 2017

MEMORANDUM

TO:

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation

From: **X Engineering Division**

- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Kauai District
- ☒ Historic Preservation

FROM: **To:**
SUBJECT:

Russell Y. Tsuji, Land Administrator
Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change: State Agricultural to State Urban District for Lima Ola Workforce Housing Development

LOCATION: Eleele, Island of Kauai; TMK: (4) 2-1-001:054
APPLICANT: State of Hawaii, Office of Planning

Transmitted for your review and comment is information on the above referenced petition. We would appreciate your comments on this petition. Please submit any comments by **January 26, 2017**.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Print Name: **Carty S. Chang, Chief Engineer**

Date:

cc: Central Files

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

2017 JAN 23 AM 10:49

RECEIVED
LAND DIVISION

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

Ref: Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change: State Agricultural to State Urban District for Lima Ola Workforce Housing Development

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designated Flood Hazard.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).


Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- Kauai: County of Kauai, Department of Public Works (808) 241-4846.

The applicant should include water demands and infrastructure required to meet project needs. Please note that the projects within State lands requiring water service from their local Department/Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

The applicant is required to provide water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update projections.

Signed: _____


CARTY S. CHANG, CHIEF ENGINEER

Date: _____

1/20/17



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 6, 2017

MEMORANDUM

TO:

DLNR Agencies:

- ☐ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☐ Office of Conservation & Coastal Lands
- ☒ Land Division – Kauai District
- ☒ Historic Preservation

FROM:

Russell Y. Tsuji, Land Administrator

SUBJECT:

Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change: State Agricultural to State Urban District for Lima Ola Workforce Housing Development

LOCATION:

Eleele, Island of Kauai; TMK: (4) 2-1-001:054

APPLICANT:

State of Hawaii, Office of Planning

Transmitted for your review and comment is information on the above referenced petition. We would appreciate your comments on this petition. Please submit any comments by **January 26, 2017.**

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- ☐ We have no objections.
- ☒ We have no comments.
- ☐ Comments are attached.

Signed:

Print Name:

Maevius Mui

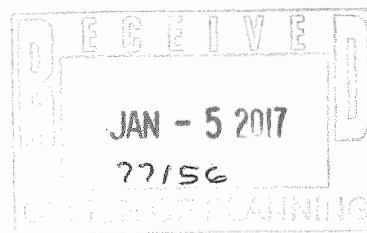
Date:

Jan. 12, 2017

cc: Central Files

RECEIVED
LAND DIVISION
2017 JAN 23 AM 11:08
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

DAVID Y. IGE
GOVERNOR



ARTHUR J. LOGAN
MAJOR GENERAL
ADJUTANT GENERAL

KENNETH S. HARA
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE ADJUTANT GENERAL
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

Honorable Leo R. Asuncion, Director
Office of State Planning
State of Hawaii
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Dear Director Asuncion:

Subject: Petition for Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A17-802; Requested Change from State Agricultural to State Urban District (Approx. 75-acres) for Lima Ola Workforce Housing Development, Single-family and Multi-family Residential; Eleele, Kauai, Hawaii, TMK (4) 2-1-001: 054

Thank you for the opportunity to comment on the above application.

Please note that in response to a request from the County of Kauai Housing Agency, the Hawaii Emergency Management Agency (HI-EMA) previously provided comments regarding the proposed development via a letter dated November 28, 2016. A copy of the letter is attached.

The Department of Defense has no further comments to offer relative to the proposed development.

Should there be any questions please contact Lloyd Maki, Assistant Chief Engineering Officer at (808)733-8441.

Sincerely,

NEAL S. MITSUYOSHI
Colonel, Hawaii National Guard
Chief Engineering Officer

c: Ms. Havinne Okamura, Hawaii Emergency Management Agency

OP Exhibit 11

DAVID Y. IGE
GOVERNOR



MAJOR GENERAL ARTHUR J. LOGAN
DIRECTOR OF EMERGENCY MANAGEMENT

VERN T. MIYAGI
ADMINISTRATOR OF EMERGENCY MANAGEMENT

PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF EMERGENCY MANAGEMENT
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

November 28, 2016

Mr. Keith Perry
Kauai County Housing Agency
4444 Rice Street, Suite 330
Lihue, Hawaii 96766

Dear Mr. Perry:

Lima Ola Workforce Housing, TMK No. (4)-2-1-001:054
Eleele, Kauai, Hawaii

Thank you for the opportunity to comment on this proposed development.

The proposed affordable housing development will increase the residential population in an area with limited safe room options. Therefore, we concur with Kauai Civil Defense Agency comments and we strongly recommend incorporation of hardening measures for safe rooms within planned residential facilities, and the hardening of proposed community facilities so as to withstand high-wind and/or seismic events.

We also note that our siren relocation and upgrade project will ensure siren coverage of the proposed development location.

If you have any questions, please call Havinne Okamura, Hazard Mitigation Planner, at (808)733-4300, extension 556.

Sincerely,

A handwritten signature in black ink, appearing to read "Vern T. Miyagi".

VERN T. MIYAGI
Administrator of Hawaii Emergency Management

HO:cv

bc: Havinne Okamura

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
EXECUTIVE DIRECTOR

STATE OF HAWAII


DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

IN REPLY REFER TO:

17:PEO/01

January 30, 2017

To: Leo R. Asuncion, Director
Office of Planning

From: Craig K. Hirai 
Executive Director

Subject: Petition for Amendment of the State Land Use District Boundaries, Docket
No. A17-802, Lima Ola Workforce Housing Development, Eleele, Kauai, Hawaii,
TMK: (4) 2-1-001: 054

We have reviewed the subject Petition for the proposed Lima Ola Workforce Housing Development and offer the following comments.

The State Housing Functional Plan seeks to ensure that housing projects provide a fair share of affordable homeownership and rental housing opportunities. Lima Ola is consistent with the objectives of the housing functional plan. The proposed project would provide affordable homeownership and rental housing opportunities for up to 550 households with incomes ranging from below 80% to 140% of the area median income.

To facilitate the development of Lima Ola, the HHFDC and Kauai County Housing Agency entered into a Memorandum of Agreement effective August 11, 2016. The Agreement establishes a cooperative relationship between HHFDC and the Housing Agency and defines the roles and responsibilities of both parties for the development of Lima Ola.

Thank you for the opportunity to comment.

OP Exhibit 12

LEO R. ASUNCION, JR., AICP

Director, Office of Planning, State of Hawaii

P.O. Box 2359, Honolulu, Hawaii 96804-2359 | Phone: (808) 587-2833; (808) 721-3395 (cell)

E-mail: leo.r.asuncion@hawaii.gov

PROFESSIONAL EXPERIENCE

Director, Office of Planning; December 2015 - Present

Acting Director, Office of Planning; March 2014 – December 2015

Responsible for the management, budgeting, and oversight of the Office of Planning. Responsible for overall development of policies, execution of studies and reports generated by all divisions of the office, procurement and contracting, and represents the office before the State Legislature, Executive Branch agencies, communities and the public.

Serves on a number of State commissions, council and groups including: Hawaii Ocean Resources Management Policy Group (Chair); State Special Action Team on Affordable Rental Housing (Chair); State Interagency Climate Adaptation Committee (Co-Chair); State Interagency Council on Transit Oriented Development (Co-Chair); Hawaii Board on Geographic Names (Member), Hawaii Invasive Species Council (Member), Hawaii Natural Area Reserves System Commission (Member), and Kaneohe Bay (Oahu) Regional Council (Member).

Planning Program Manager, Hawaii Coastal Zone Management Program; June 2011 – December 2015

Responsible for management, budgeting and implementation of the State's Coastal Zone Management Program. Responsible for developing policies and applicable background information for policies affecting Hawaii's Coastal Zone Management Area. Oversight of the Hawaii Ocean Resources Management Plan, Coastal Non-Point Pollution Control Program, and other planning and environmental aspects of the Program.

Sr. Regulatory Analyst, Hawaiian Electric Company, Inc.; April 2009 – June 2011

Responsible for implementing policies relating to regulatory affairs, and providing substantive direction for the development, preparation, submission, presentation, and execution of significant investigations and other major regulatory matters before the Hawaii Public Utilities Commission in the focus areas of Integrated Resource Planning, Energy Efficiency and Renewable Energy. Reviewed and prepared applications, written testimonies, and other regulatory documents consistent with Company policy, Hawaii regulatory law, and regulatory decisions. Assist in the development, interpretation, and administration of the Company's Tariffs and Rules.

Sr. Resource Planning Analyst, Hawaiian Electric Company, Inc.; Aug 2005 – April 2009

Responsible for management and coordination of the Integrated Resource Planning (IRP) process for subsidiary Maui Electric Co, Ltd., including development of 20-year long-range and 5-year action plans that meet customer needs, corporate/shareholder goals, and regulatory reporting requirements. Coordinated approximately 8 to 10 intra-company and inter-subsidary IRP team members/groups, and outside consultants. Assist in the planning and execution of public Advisory Group and stakeholder meetings.

- Developed and completed major update of Maui Electric Co., Ltd.'s Integrated Resource Plan within target completion date and estimated budget.
- Analyzed, recommended, and implemented as needed, new or improved planning techniques, processes, procedures, and/or methodologies to increase process efficiency, and cost/process timing reductions.
- Performed analysis of new strategic opportunities and definition of impacts upon the company's long term planning and regulatory activities.

Project Planner/Manager, SSFM International, Inc.; Feb 2002 – July 2005

Responsible for planning, permitting, environmental impact assessments and statements, and overall project management for diverse projects worked upon by the company.

- Successful management and implementation of planning, engineering, construction and renovation projects totaling over \$25 million for various clients (Federal, State, and County agencies, and private entities) in Hawai'i, the Commonwealth of the Northern Mariana Islands (Saipan), and the Republic of Palau.
- Authored and managed various State and Federal environmental impact statements, environmental assessments, planning reports, and related documents.
- Performed technical (qualitative and quantitative) planning analysis for various projects.

Planner, Planning and Program Evaluation Division, Hawaii State Judiciary; Oct 1998 – Jan 2002

Responsible for providing planning and program evaluation support to the Office of the Administrative Director, various court jurisdictions (judges and administrators), and affiliated governmental agencies.

- Staffed and performed research for Judiciary committees examining various topics related to judicial administration, including changes to the operational administration of the Judiciary.
- Successfully updated the Statewide Judiciary Security Plan in coordination with employees, judges, administrative directors, and stakeholders; developed and implemented operational and facility renovation recommendations.
- Managed annual reviews and periodic updates of contracts and agreements between the Judiciary and the State Department of Public Safety, including private vendors for provision of materials and services.

Staff Planner, State Land Use Commission, Department of Business, Economic Development & Tourism, State of Hawaii; Jan 1992 – Oct 1998

Responsible for providing planning and policy evaluation support to the members of the State Land Use Commission.

- Reviewed and performed research of boundary amendment petitions, special permit applications, county land use applications, environmental impact statements, and other related documents to assist Land Use Commissioners in its quasi-judicial decision making process.
- Performed policy research and analysis on land use, infrastructure, utility, and planning related activities in Hawai'i.
- Reviewed and completed major amendments of the Commission's administrative rules.

EDUCATION

Hawaii Pacific University – Master of Business Administration degree (With Distinction)

University of Hawaii – Manoa – Master of Urban and Regional Planning degree

University of Hawaii – Manoa – Bachelor of Arts degree in Political Science

PROFESSIONAL AFFILIATIONS/AWARDS

Coastal States Organization, Chair (2016-2018); Vice Chair (2014-2016); State Delegate (2012 – present)

National Ocean Council Governance Coordinating Committee, Co-Chair (2015-2016)

American Institute of Certified Planners, July 1994 – present

American Planning Association, National and Hawaii Chapters, September 1988 – present

Hawaii Pacific University Alumni Global Network, 2008 – present

University of Hawaii Alumni Association Life Member, 1992 – present