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LAND USE COMMISSION
STATE OF HAWAII

2017 JUN 23 A 8:03

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 AMENDED
AGENCY	)	TESTIMONY IN SUPPORT OF
	)	PETITION WITH CONDITIONS;
To Amend the Agricultural Land Use	)	AMENDED LIST OF EXHIBITS;
District Boundary into the Urban Land Use	)	EXHIBITS 14-17; CERTIFICATE OF
District for Approximately 75 Acres at	)	SERVICE
Eleele, Kauai, State of Hawaii, Tax Map)	
Key No.: (4) 2-1-001: 054)	
)	
)	

OFFICE OF PLANNING'S

AMENDED TESTIMONY IN SUPPORT OF PETITION WITH CONDITIONS,

AMENDED LIST OF EXHIBITS,

EXHIBITS 14-17,

AND

CERTIFICATE OF SERVICE

LAND USE COMMISSION

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

AMENDED 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	Map, <i>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

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

AMENDED 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		
14	Office of Planning's Amended Testimony in Support of Petition with Conditions		
15	State Historic Preservation Division letter to Kanani Fu, dated June 6, 2017		
16	State Department of Transportation letter to Leo R. Asuncion, Dated June 14, 2017		
17	Hawaii Emergency Management Email from Havinne Okamura to Rodney Funakoshi, dated June 5, 2017		

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

In the Matter of the Petition of)	DOCKET NO. A17-802
)	
COUNTY OF KAUAI HOUSING	)	OFFICE OF PLANNING'S AMENDED
AGENCY	)	TESTIMONY IN SUPPORT OF
	)	PETITION WITH CONDITIONS
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 AMENDED 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 land 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.

This Amended Testimony reflects additional information received since submittal of OP's Testimony on May 26, 2017. Primarily, these relate to supplemental comments received from the State Department of Transportation, Hawaii Emergency Management Agency, and the State Historic Preservation Division.

I. PETITION OVERVIEW

General Information

The 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 percent affordable housing project.

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 (Pet. Ex. 4, Exhibit 6). 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 through 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.

In a letter dated June 6, 2017 (see Exhibit 15), the SHPD indicated their acceptance of the AIS report on June 5, 2017, and concurred with the two proposed mitigation commitments in the AIS report. These mitigation commitments are: 1) archaeological data recovery in the form of archaeological monitoring, and 2) historical data recovery in the form of researching historic resource materials. Archaeological monitoring is recommended as a) only limited data were recorded for the Site during the AIS field work, and b) the pedestrian survey and subsurface testing was limited in scope and coverage. Archaeological monitoring would allow for additional field documentation (description, mapping, photographing) to be completed for the Project Area, and to identify and document any roads that may be historic, particularly any related to the former plantation. It would also allow for completion of a survey across the entirety of the Project Area, and the documentation of stratigraphy during construction in areas not subjected to AIS testing.

Mitigation Recommendation: Petitioner represents that it will comply with all interim and/or permanent mitigation and preservation measures recommended and approved by the 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. OP also requests that archaeological monitoring and historical data recovery mitigation commitments shall be imposed on the project as LUC conditions to be conducted during the construction phase. The Petitioner and archaeological firm shall consult with the SHPD regarding an appropriate monitoring and historical data recovery scope prior to development of the mitigation plan. The mitigation plan shall be submitted to the SHPD for review and acceptance prior to project initiation, and the SHPD shall be notified at the initiation of the project.

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), March 17, 2017 (see Exhibit 7), and June 14, 2017 (see Exhibit 16). 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 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.

Recommended Mitigation Measures: OP proposes the imposition of conditions as recommended by the HDOT. The HDOT requires an updated TIAR to be prepared prior to the execution of Phase 2 of the Project and prior to each subsequent phase 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 the HDOT for review and acceptance, specifically for proposed transportation improvements in the State Highway right-of-way. The 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 (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, in accordance with Federal Aviation Administration Advisory Circular 150/5200-33B Hazardous Wildlife Attractants On or Near Airports.

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.

Recommended Mitigation Measures: No mitigation measures were recommended by the DOE. OP recommends that the Petitioner engage in ongoing consultation with the DOE relative to the accommodation of students generated as the Project progresses through its phased development.

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 events. Clarifying comments were provided in an email to OP dated June 5, 2017 (see **Exhibit 17**).

Recommended Mitigation: OP recommends the imposition of a condition requiring the Petitioner to construct the proposed community center so as to withstand high-wind 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 and southwest, and the Petition generally meets the standards for determining State Urban District boundaries set forth in HAR § 15-15-18. The Petition Area is near the Port Allen commercial and industrial area and there are basic public services available including school, wastewater, water, and transportation facilities, with sufficient reserve areas for future growth. The site has gently sloping lands, good drainage, and is reasonably free from flood and tsunami hazards, unstable soil conditions, and other adverse environmental effects.

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.**
- a. Petitioner shall be responsible for the cost of all transportation improvements provided in the TIAR for Phase I, and for all costs for the construction of the remaining phased improvements for the Project.
 - b. An update TIAR shall 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, and revised if necessary and determine whether the previously proposed improvements are adequate or require revision. The TIAR shall be submitted to the Hawaii Department of Transportation (HDOT) for review and acceptance, specifically for proposed transportation improvements in the State Highway right-of-way.
 - c. The phase-related improvements shall be accepted by the HDOT prior to the issuance of a Certificate of Occupancy for the Project phase.
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 center so as to withstand high-wind 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. **Archaeological Resources.** Petitioner shall undertake the following:
 - a. Archaeological monitoring and historical data recovery shall be undertaken during the construction phase as mitigation commitments represented in the AIS report.

- b. The Petitioner's archaeologist shall consult with SHPD regarding an appropriate monitoring and historical data recovery scope prior to development of the mitigation plan.
 - c. The mitigation plan shall be submitted to SHPD for review and acceptance prior to project initiation.
 - d. SHPD shall be notified at the initiation of the project.
10. **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.
11. **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.

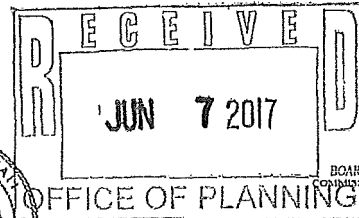
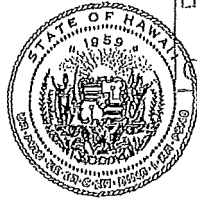
DATED: Honolulu, Hawai'i, June 23, 2017

OFFICE OF PLANNING
STATE OF HAWAI'I



LEO R. ASUNCION
Director

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
KEKOA KALUHIWA
FIRST DEPUTY
JEFFREY T. PEARSON
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

June 6, 2017

Kanani Fu, Housing Director
Kauai County Housing Agency
County of Kauai, State of Hawaii
Pi'ikoi Building, 4444 Rice Street, Suite 330
Lihu'e, HI 96766

IN REPLY REFER TO:
Log No. 2017.00049
Doc. No. 1706SL02
Archaeology

Dear Ms. Fu:

SUBJECT: Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review –
Petition for Amendment of the State Land Use District Boundaries: Land Use Commission
Docket No. A17-802 Lima Ola Workforce Housing, Office of Planning Ref. No. P-15609
Hanapēpē Ahupua'a, Kona District, Island of Kaua'i
TMK: (4) 2-1-001:054

Thank you for the opportunity to comment on the subject district amendment proceeding before the Land Use Commission (LUC), which is being processed under affordable housing 201H expedited procedures and requires a LUC decision. The petitioner is proposing to amend the State Land Use District from Agricultural District to Urban District in order to allow the development of workforce housing. The SHPD received several requests from the Office of Planning (December 30, 2016, Log No. 2016.03012; May 23, 2017, Log No. 2017.00729) and from the Department of Land and Natural Resources (DLNR) Land Division (January 13, 2017 and May 19, 2017; Log No. 2017.00049). The SHPD accepted the final revised draft of the archaeological inventory survey (AIS) report (Powell and Dega, June 2017) on June 5, 2017 (Log No. 2017.03107, Doc. No. 1706SL01).

The archaeological inventory survey (AIS) was conducted by Scientific Consultant Services, Inc. (SCS) in 2013 and 2014. It was conducted at the request of Community Planning and Engineering, Inc., on behalf of the project proponent, the Kauai County Housing Agency. The subject property is owned by the County of Kaua'i, and the Kauai County Housing Agency proposes to construct the Lima Ola Affordable Housing Development. This development will include approximately 550 residential single- and multi-family units, which include apartments and homes. The project area totals 78 acres, consisting of a 75-acre proposed housing area and a 3-acre detention basin expansion area.

In a letter dated December 3, 2014, Community Planning and Engineering, Inc. indicated that, on behalf of the Kauai County Housing Agency, they were initiating NHPA Section 106 with the SHPD. They stated that the project may receive funding from the U.S. Department of Housing and Urban Development (HUD), and that the County of Kauai represents HUD as the responsible federal agency requesting consultation. This letter was included in a submittal packet from the Kauai County Housing Agency requesting SHPD review of the project Environmental Assessment which SHPD received on September 14, 2016 (Log No. 2016.02182). This packet included a draft Cultural Impact Assessment (Dagher and Spear, June 2014) and the draft AIS report (Powell and Dega, July 2014).

The AIS involve a pedestrian survey, a vehicle windshield survey, and excavation of five backhoe trenches. The surveys were conducted during a 3-day period in September 2013, while the trench excavations occurred on a single day in April 2014. The survey and testing did not provide 100% coverage of the project area. According to the report, access was impeded by active coffee tree cultivation and vegetation coverage. The testing identified no subsurface historic properties. The exposed stratigraphy consisted of soils associated with the Makaweli soil series. No cultural deposits, features, or artifacts were identified.

The survey identified a single surface historic property, a segment of a former plantation irrigation ditch (Pump 1 Ditch) system. The Pump 1 ditch was designated as Site 50-30-09-2219. It was constructed in 1908 as part of the McBryde Sugar Company's irrigation system. Much of this abandoned ditch is earthen, but sections with concrete linings dating to the 1920s still remain.

Pursuant to Hawaii Administrative Rules (HAR) §13-275-6, Site 50-30-09-2219 was assessed significant under Criterion d for its potential to provide information on the extensive McBryde Sugar Company's irrigation system and the development and successful plantation agriculture that dominated the area's landscape. The report's project Hawaii Revised Statutes (HRS) Chapter 6E-8 project effect determination is *effect, with proposed mitigation commitments* (pursuant to HAR §13-275-7(a)(2)); the proposed project will affect Site 50-30-09-2219 which was assessed to be a significant historic property but was not adequately documented during the AIS.

The SHPD concurred with the two proposed mitigation commitments identified in the AIS report, which SHPD accepted on June 5, 2017 (Log No. 2014.03107, Doc. No. 1706SL01). These two mitigation commitments are: (1) archaeological data recovery [HAR §13-275-8(a)(1)(C)] in the form of archaeological monitoring and (2) historical data recovery [HAR §13-275-8(a)(1)(D)] in the form of researching historic resource materials. Archaeological monitoring is recommended as (1) only limited data were recorded for Site 50-30-09-2219 during the AIS field work, and (2) the pedestrian survey and subsurface testing was limited in scope and coverage. Archaeological monitoring would allow for additional field documentation (description, mapping, photographing) to be completed for Site 50-30-09-2219, and to identify and document any roads that may be historic, particularly any related to the former plantation. It would also allow for completion of a survey across the entirety of the project area, and the documentation of stratigraphy during construction in areas not subjected to AIS testing. Historical data recovery would allow for examining Site 50-30-09-2219 as part of a larger irrigation system (which includes Pump 2 Ditch). This broader historic context would include presentation of historical maps and photographs of this system, including construction design and materials (e.g., concrete lining, metal sluice gates).

The SHPD requests the following:

- (1) The archaeological monitoring and historical data recovery mitigation commitments be imposed on the project as LUC conditions to be conducted during the construction phase;
- (2) The project proponent and archaeological firm consult with our office regarding an appropriate monitoring and historical data recovery scope prior to development of the mitigation plan;
- (3) The mitigation plan shall be submitted to SHPD for review and acceptance prior to project initiation; and
- (4) SHPD be notified at the initiation of the project.

The SHPD looks forward to continuing NHPA Section 106 consultation with the County of Kauai and to receiving a request for concurrence with the County's effect determination pursuant to 36 CFR 800.5 prior to project initiation. The County of Kauai is the office of record for this undertaking. Please maintain a copy of this letter with your environmental review record.

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for any questions or concerns regarding this letter.

Aloha,



Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy State Historic Preservation Officer

cc: Keith Perry, Kauai County Housing Agency, klperry@kauai.gov
Russell Y. Tsuji, DLNR, Land Division, russell.y.tsuji@hawaii.gov
Leo R. Asuncion, Office of Planning State of Hawaii, c/o Nicola Szibbo, Nicola.a.szibbo@hawaii.gov

Bernardino, Briana L

Subject: FW: LUC Docket No. A17-802 Lima Ola Workforce Housing, Office of Planning Ref. No. P-15609
Attachments: 4-2-1-001_2017-00049_201706SL02_ARCHY_6E8_DTRM_AMP_REQ.pdf
Importance: High

From: Szibbo, Nicola A
Sent: Wednesday, June 07, 2017 7:49 AM
To: Funakoshi, Rodney Y <rodney.y.funakoshi@hawaii.gov>
Cc: Apuna, Dawn T <dawn.t.apuna@hawaii.gov>
Subject: FW: LUC Docket No. A17-802 Lima Ola Workforce Housing, Office of Planning Ref. No. P-15609
Importance: High

FYI

Nicola A. Szibbo
Planner V
Office of Planning, DBEDT
Nicola.a.szibbo@hawaii.gov
808-587-2883

From: Lebo, Susan A
Sent: Tuesday, June 06, 2017 5:25 PM
To: Kanani Fu <kananifu@kauai.gov>
Cc: Keith Perry <klperry@kauai.gov>; Tsuji, Russell Y <Russell.Y.Tsuji@hawaii.gov>; Szibbo, Nicola A <nicola.a.szibbo@hawaii.gov>
Subject: LUC Docket No. A17-802 Lima Ola Workforce Housing, Office of Planning Ref. No. P-15609
Importance: High

Hello,

Attached is a pdf copy of our division's review of the following submittal:

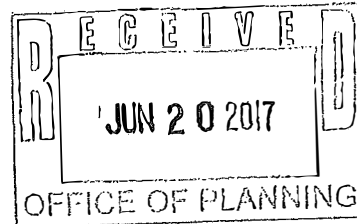
Chapter 6E-8 and National Historic Preservation Act (NHPA) Section 106 Review –
Petition for Amendment of the State Land Use District Boundaries: Land Use Commission
Docket No. A17-802 Lima Ola Workforce Housing, Office of Planning Ref. No. P-15609
Hanapēpē Ahupua'a, Kona District, Island of Kaua'i
TMK; (4) 2-1-001;054

Sincerely,

Susan

Susan A. Lebo, PhD
Archaeology Branch Chief
State Historic Preservation Division
Kakuhihewa Building
601 Kamokila Blvd., Suite 555
Kapolei, Hawaii 96707
Susan.A.Lebo@hawaii.gov
(808) 692-8019

DAVID Y. IGE
GOVERNOR



77529

FORD N. FUCHIGAMI
DIRECTOR

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

IN REPLY REFER TO:

STP 8.2157

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

June 14, 2017

TO: LEO R. ASUNCION, DIRECTOR
OFFICE OF PLANNING

FROM: *for* FORD N. FUCHIGAMI
DIRECTOR OF TRANSPORTATION *J.T. Butay*

SUBJECT: PETITION FOR AMENDMENT OF THE STATE LAND USE
DISTRICT BOUNDARIES
LAND USE COMMISSION DOCKET NO. A17-802
LIMA OLA WORKFORCE HOUSING
ELEELE, KAUAI, HAWAII
TMK: (4) 2-1-001:054

Thank you for the opportunity to comment on the subject Petition for Amendment.

The Project will have significant impacts to the State highway facilities, Kaumualii Highway (Route 50) and Halewili Road (Route 540). The Traffic Impact Analysis Report (TIAR) recommended improvements at four intersections with the State highway facilities, and the Petitioner intends to implement these recommendations during the appropriate phase (Draft Petition Docket No. A17-802, pg. 20).

The Project is expected to be constructed in four phases (1A & 1B, 2, 3, and 4). We understand the transportation improvements as provided in the TIAR and the March 22, 2017 response (attached) 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. The Petitioner also intends to complete a follow-up traffic study prior to each phase of development (Draft Petition Docket No. A17-802, pg. 20).

Therefore, we recommend the following specific Land Use Commission conditions if the petition were to be approved:

1. The County of Kauai will be responsible for the cost of all transportation improvements provided in the TIAR for Phase 1, and for all costs for the construction of the remaining phased improvements for the Project.

OP Exhibit 16

2. An update TIAR shall 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, and revised if necessary and determine whether the previously proposed improvements are adequate or require revision. The TIAR shall be submitted to the Hawaii Department of Transportation (HDOT) for review and acceptance, specifically for proposed transportation improvements in the State Highway right-of-way.
3. The phase-related transportation improvements shall be accepted by HDOT prior to the issuance of a Certificate of Occupancy for the Project phase.

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

Funakoshi, Rodney Y

From: Okamura, Havinne L
Sent: Monday, June 05, 2017 12:58 PM
To: Funakoshi, Rodney Y
Cc: Szibbo, Nicola A; Kennard, David N
Subject: RE: A17-802 - Lima Ola Workforce Housing

Aloha Rodney,

Response to Office of Planning request for comments on proposed Lima Ola Workforce Housing amendment

- No program, facility or resource under the jurisdiction of HI-EMA will be affected by the project proposal,
- Under HRS 127 and 128, the Counties have responsibility for the sheltering needs of County residents during an emergency and HI-EMA supports the Counties as needed during an event. Therefore, HI-EMA supports the KCDA recommendation in their June 6, 2016 letter,
- HI-EMA acknowledges that the incorporation of hardening measures for safe rooms within all subdivision homes could substantially add to the development costs. Therefore, HI-EMA's recommends, at a minimum, hardening the community center to support the County's request for shelter space,

"Noting the Community Center that is currently proposed under Phase 2A, KCDA recommends that if feasible, this be designed and constructed in a manner that will allow it to serve as a Civil Defense shelter. Also, section 4.3.7.1 Existing Conditions could include the potential and probable demands on existing shelter spaces at 'Ele'ele Elementary School, the nearest public shelter location. 2012 assessment figures rate 'Ele'ele Elementary as having a capacity of 1468. With Lima Ola eventually including 550 units, inclusion of a shelter on-site would mitigate the strain on limited shelter resources."

If you need anything further from us please let me know.
hav

From: Funakoshi, Rodney Y
Sent: Wednesday, May 31, 2017 8:34 AM
To: Okamura, Havinne L <havinne.l.okamura@hawaii.gov>
Cc: Szibbo, Nicola A <nicola.a.szibbo@hawaii.gov>
Subject: A17-802 - Lima Ola Workforce Housing
Importance: High

Hi Havinne,

As discussed, we wish to clarify your agency's comments provided in your letter of November 28, 2016 to the Kauai Housing Agency (see attached) , wherein it states: "... 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."

As this is an affordable housing project, incorporating hardening in all of the subdivision homes could substantially add to the development costs. As mentioned, we would prefer that any such hardening recommendations be limited to the community facilities.

We would appreciate your clarification of this comment in an email response.

Thanks.
Rodney

OP Exhibit 17

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
Lihue, Kauai, Hawaii 96766

MCCORRISTON MILLER MUKAI MACKINNON LLP
DAVID MINKIN, ESQ.
PETER HAMASAKI, ESQ.
KELSEY YAMAGUCHI, ESQ.
Five Waterfront Plaza, 4th Floor
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MICHAEL DAHLIG
Planning Department, County of Kauai
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MAUNA KEA TRASK ESQ.
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KAUAI COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kauai
4444 Rice Street
Lihue, Kauai, Hawaii 96766

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

DATED: Honolulu, Hawai'i, June 23, 2017.



LEO R. ASUNCION
Director
Office of Planning