

ASHFORD & WRISTON  
A LIMITED LIABILITY LAW PARTNERSHIP LLP

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Attorneys for  
County of Kauai Housing Agency

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	Docket No. A17-802
	)	
COUNTY OF KAUAI HOUSING	)	AFFIDAVIT OF PUBLICATION (The
AGENCY	)	Garden Island); AFFIDAVIT OF
	)	PUBLICATION (Honolulu Star-
To Amend the Agricultural Land Use	)	Advertiser); CERTIFICATE OF SERVICE
District Boundaries into the Urban Land	)	
Use District for certain lands situated at	)	
'Ele'ele, Kauai, Hawaii; consisting of	)	
approximately 75 acres, Tax Map Key	)	
No. (4) 2-1-001:054	)	
_____	)	

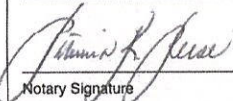
AFFIDAVIT OF PUBLICATION  
(THE GARDEN ISLAND)


AFFIDAVIT OF PUBLICATION

IN THE MATTER OF  
Public Notice

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STATE OF HAWAII }  
} SS.  
City and County of Honolulu }

Doc. Date:	JAN - 9 2017	# Pages:	1
Notary Name:	Patricia K. Reese	First Judicial Circuit	
Doc. Description:	Affidavit of Publication		
Notary Signature		Date	JAN - 9 2017




Gywn Pang being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the aforementioned newspapers as follows:

- Honolulu Star-Advertiser     0 times on:
- MidWeek                         0 times on:
- The Garden Island             1 times on:  
12/07/2016
- Hawaii Tribune-Herald        0 times on:
- West Hawaii Today             0 times on:
- Other Publications:            0 times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

  
Gywn Pang

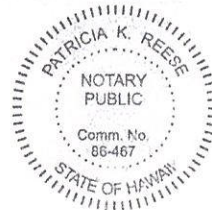
Subscribed to and sworn before me this 9 day of January A.D. 2017

  
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires: Oct 07, 2018

Ad # 0000940415

SP.NO.: \_\_\_\_\_ L.N.



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

NOTICE IS HEREBY GIVEN that the Petitioner, COUNTY OF KAUAI ("County") through its Housing Agency, a political subdivision of the State of Hawaii, by and through its special legal counsel, ASHFORD & WRISTON, a limited liability law partnership LLP, intends to file a Land Use District Boundary Amendment Petition with the Land Use Commission of the State of Hawaii on February 6, 2017 as provided for in Sections 205-4 and 201H-38, Hawaii Revised Statutes, as amended, and Section 15-15-97(b) of the Hawaii Administrative Rules, Title 15, Subtitle 3, Chapter 15, Subchapter 13, as amended. The County shall hereinafter be referred to as "Petitioner."

**PETITIONER**

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

**PETITIONER'S PROPERTY INTEREST**

The subject property is owned in fee by Petitioner.

**PROPOSED RECLASSIFICATION**

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

**TAX MAP KEY NO.**

(4) 2-1-001:054

**ACREAGE**

The subject property consists of approximately 75 acres.

**LOCATION**

Eleele, Kauai, Hawaii

**EXISTING LAND USE**

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

**PROJECT DESCRIPTION**

Petitioner proposes residential development on the property, to utilize the density for up to 550 residential units (single-family and multi-family) to provide needed affordable housing supply for Kauai. All units will be affordable as defined by Chapter 7A of the Kauai County Code, and offered for sale or rent to households who earn no more than 140% of the Kauai median household income. The proposed project is also anticipated to include a community park, a water storage tank, bike and pedestrian paths, and landscaped areas. Petitioner is using the property for the Lima Ola project. Because all units will be affordable, Lima Ola qualifies as an affordable housing project under Section 201H-38, Hawaii Revised Statutes, as amended. Petitioner is seeking exemption from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS §201H-38.

**DATE OF FILING OF PETITION**

February 6, 2017

**RIGHTS OF INTERESTED PERSONS**

All persons who have some interest in the subject property, who lawfully reside on the subject property, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public may submit petitions to intervene to the Land Use Commission up to fifteen (15) days after this Notice of Intent is published, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Administrative Rules. All other persons who wish to present testimony as a public witness may submit a written request to the Land Use Commission no later than seven (7) days prior to the published hearing date. The Commission will publish the notice of hearing at a later date.

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

County of Kauai, Housing Agency  
Attn: Keith Perry  
4444 Rice Street, Suite 330  
Lihue, Hawaii 96766

ASHFORD & WRISTON  
Attention: James K. Mee  
First Hawaiian Center  
999 Bishop Street, Suite 1400  
Honolulu, Hawaii 96813

(TGI940415 12/7/16)

AFFIDAVIT OF PUBLICATION  
(HONOLULU STAR-ADVERTISER)


AFFIDAVIT OF PUBLICATION

IN THE MATTER OF  
Public Notice

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STATE OF HAWAII }  
} SS.  
City and County of Honolulu }

Doc. Date:	JAN - 9 2017	# Pages:	1
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12/07/2016
- MidWeek 0 times on:
- The Garden Island 0 times on:
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- West Hawaii Today 0 times on:
- Other Publications: 0 times on:

And that affiant is not a party to or in any way interested in the above entitled matter.

*Gwyn Pang*  
Gwyn Pang

Subscribed to and sworn before me this 9 day of January A.D. 2017

*Patricia K. Reese*  
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii

My commission expires: Oct 07, 2016

Ad # 0000940253

SP.NO.: \_\_\_\_\_ L.N.



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AMENDMENT PETITION**

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(SA940253 12/7/16)

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OF THE STATE OF HAWAII

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COUNTY OF KAUAI HOUSING	)	CERTIFICATE OF SERVICE
AGENCY	)	
	)	
To Amend the Agricultural Land Use	)	
District Boundaries into the Urban Land	)	
Use District for certain lands situated at	)	
‘Ele’ele, Kauai, Hawaii; consisting of	)	
approximately 75 acres, Tax Map Key	)	
No. (4) 2-1-001:054	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document will be duly served upon the following by mailing said copy, postage prepaid, first class, in a United States post office on January 18, 2017:

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

OFFICE OF PLANNING, STATE OF HAWAII  
235 South Beretania Street  
6th Floor, Leiopapa A Kamehameha Building  
Honolulu, Hawaii 96813


DAWN TAKEUCHI-APUNA, ESQ.  
Deputy Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813

KAUAI COUNTY PLANNING COMMISSION  
c/o Planning Department, County of Kauai  
4444 Rice Street  
Lihue, Kauai, Hawaii 96766



JEAN NISHIDA SOUZA  
P.O. Box 450  
Hanapepe, Hawaii 96716  
(Proposed Intervenor)

DATED: Honolulu, Hawaii; January 18, 2017.

  
\_\_\_\_\_  
JAMES K. MEE  
SARAH M. SIMMONS  
Attorneys for Petitioner