

McCORRISTON MILLER MUKAI MacKINNON LLP

DAVID J. MINKIN 3639  
PETER J. HAMASAKI 5553  
KELSEY S. YAMAGUCHI 10423  
Five Waterfront Plaza, 4th Floor  
500 Ala Moana Boulevard  
Honolulu, Hawai'i 96813  
Telephone: (808) 529-7300  
Facsimile: (808) 524-8293

Attorneys for Petitioner  
County of Kaua'i Housing Agency

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

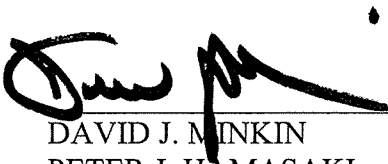
In the Matter of the Petition of	)	Docket No. A17-802
	)	
COUNTY OF KAUA'I HOUSING	)	AFFIDAVITS OF PUBLICATION OF
AGENCY	)	NOTICE OF HEARING—(1) THE
	)	GARDEN ISLAND; (2) THE HONOLULU
To Amend the Agricultural Land Use	)	STAR-ADVERTISER; (3) HAWAII
District Boundaries into the Urban Land Use	)	TRIBUNE-HERALD; (4) WEST HAWAII
District for certain lands situated at 'Ele'ele,	)	TODAY; AND (5) THE MAUI NEWS;
Kaua'i, Hawai'i; consisting of	)	CERTIFICATE OF SERVICE
approximately 75 acres, Tax Map Key	)	
No. (4) 2-1-001:054	)	
	)	
	)	

**AFFIDAVITS OF PUBLICATION OF NOTICE OF HEARING—(1) THE GARDEN ISLAND; (2) THE HONOLULU STAR-ADVERTISER; (3) HAWAII TRIBUNE-HERALD; (4) WEST HAWAII TODAY; AND (5) THE MAUI NEWS**

COMES NOW, COUNTY OF KAUAI HOUSING AGENCY, by and through its attorneys, the law firm of McCORRISTON MILLER MUKAI MacKINNON LLP, and hereby submits the following original AFFIDAVITS OF PUBLICATION, attached hereto, of Gwyn Pang, a clerk with Oahu Publications, Inc., publishers of The Garden Island, The Honolulu Star-Advertiser, Hawaii Tribune-Herald, and West Hawaii Today; and AFFIDAVIT OF

PUBLICATION of Kamery A. Lee III, in Advertising Sales with Maui Publishing Co., Ltd. publisher of The Maui News, newspapers of general circulation within the State of Hawai'i and the County of Kaua'i. These affidavits are being submitted pursuant to the requirements set forth in Section 15-15-51(c), Hawai'i Administrative Rules, as amended, regarding Petitioner's request to amend the Agricultural Land Use District Boundaries into the Urban Land Use District for certain lands situated at 'Ele'ele, Kaua'i, Hawai'i.

DATED: Honolulu, Hawai'i, June 13, 2017.



---

DAVID J. MINKIN  
PETER J. HAMASAKI  
KELSEY S. YAMAGUCHI

Attorneys for Petitioner  
County of Kaua'i Housing Agency

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
NOTICE OF HEARING

STATE OF HAWAII
City and County of Honolulu

NOTICE OF HEARING
NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 and Section 201H-38, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE
June 28, 2017, 9:30 a.m.
June 29, 2017, 8:30 a.m.
Moikeha Building
Conference Room 2A/2B
4444 Rice Street
Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

PETITIONER:

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

TAX MAP KEY NO.: (4) 2-1-001:054

CHANGE REQUESTED: To reclassify approximately 75 acres of land situated at Eleele, Island and County of Kauai, State of Hawaii, to allow for a residential development on the property and to utilize the density for up to 550 residential units (single-family and multi-family). 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 Workforce Development project ("Lima Ola"). Because all units will be affordable, Lima Ola qualifies as an affordable housing project under Section 201H-38, Hawaii Revised Statutes, as amended. Petitioner has sought exemptions from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS §201H-38.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition, may be inspected at the offices of the Kauai County Planning Department, 4444 Rice Street, #473, Lihue, Hawaii 96766 during office hours from 8:00 a.m. to 4:00 p.m. Monday through Friday (except legal holidays) and at the offices of the State Land Use Commission, 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813 during office hours from 7:45 a.m. to 4:30 p.m. (except legal holidays).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding, and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial pursuant to Section 9114, Hawaii Revised Statutes.

Petitions to intervene were due fifteen (15) days after the publication of the Notice of Intent to File a Land Use District Boundary Petition, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Land Use Commission Rules.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission by June 21, 2017.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii, 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION
Edmund Aczon, Chair
By Daniel E. Orodnenker, Executive Officer.

(TGI995617 5/27/17)

Doc. Date: MAY 30 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] Date: MAY 30 2017
Notary Public Seal: PATRICIA K. REESE, NOTARY PUBLIC, Comm. No. 86-467, STATE OF HAWAII

Gwyn 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: 05/27/2017
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.

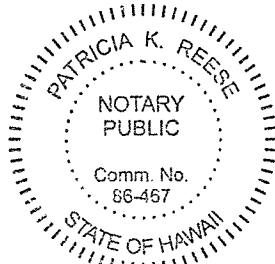
[Signature]
Gwyn Pang

Subscribed to and sworn before me this 30 day of May A.D. 2017

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

My commission expires: Oct 07, 2018

Ad # 0000995617



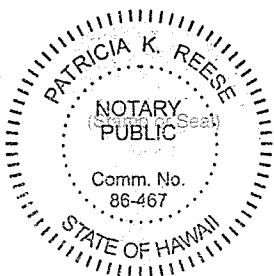
SP.NO.: L.N.

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
NOTICE OF HEARING

STATE OF HAWAII
City and County of Honolulu

Doc. Date: MAY 30 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] Date: MAY 30 2017



Gwyn 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 1 times on: 05/27/2017
MidWeek 0 times on:
The Garden Island 0 times on:
Hawaii Tribune-Herald 0 times on:
West Hawaii Today 0 times on:
Other Publications: 0 times on:

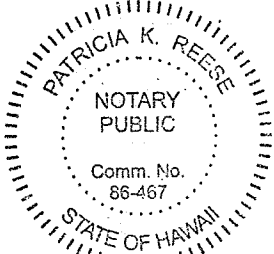
And that affiant is not a party to or in any way interested in the above entitled matter.

Gwyn Pang
Gwyn Pang

Subscribed to and sworn before me this 30 day of May A.D. 2017

Patricia K. Reese
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Oct 07, 2018

Ad # 0000995526



NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 and Section 201H-38, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE
June 28, 2017, 9:30 a.m.
June 29, 2017, 8:30 a.m.
Moikeha Building
Conference Room 2A/2B
4444 Rice Street
Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

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

TAX MAP KEY NO.: (4) 2-1-001-054

CHANGE REQUESTED: To reclassify approximately 75 acres of land situated at Eleele, Island and County of Kauai, State of Hawaii, to allow for a residential development on the property and to utilize the density for up to 550 residential units (single-family and multi-family). 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 Workforce Development project ("Lima Ola"). Because all units will be affordable, Lima Ola qualifies as an affordable housing project under Section 201H-38, Hawaii Revised Statutes, as amended. Petitioner has sought exemptions from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS §201H-38.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai County Planning Department, 4444 Rice Street, #473, Lihue, Hawaii 96766 during office hours from 8:00 a.m. to 4:00 p.m. Monday through Friday (except legal holidays) and at the offices of the State Land Use Commission, 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813 during office hours from 7:45 a.m. to 4:30 p.m. (except legal holidays).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially affected by the proposed change that their interest in the proceeding is inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial pursuant to Section 9114, Hawaii Revised Statutes.

Petitions to intervene were due fifteen (15) days after the publication of the Notice of Intent to File a Land Use District Boundary Petition, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Land Use Commission Rules.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission by June 21, 2017.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii, 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION
Edmund Azcon, Chair
By Daniel E. Orodnenker, Executive Officer

(SA995526 5/27/17)

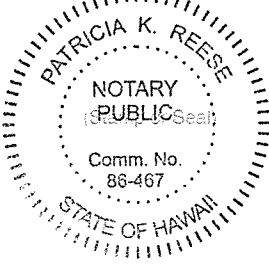
SP.NO.: L.N.

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
NOTICE OF HEARING

STATE OF HAWAII
City and County of Honolulu

Doc. Date: MAY 30 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] Date: MAY 30 2017



Gwyn 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 0 times on:
Hawaii Tribune-Herald 1 times on: 05/27/2017
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.

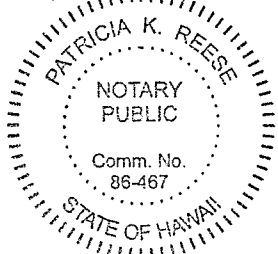
Gwyn Pang (Signature)

Subscribed to and sworn before me this 30 day of May A.D. 20 17

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

My commission expires: Oct 07, 2018

Ad # 0000995606



NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 and Section 201H-38, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE
June 28, 2017, 9:30 a.m.
June 29, 2017, 8:30 a.m.
Moikeha Building
Conference Room 2A/2B
4444 Rice Street
Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

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

TAX MAP KEY NO.: (4) 2-1-001:054

CHANGE REQUESTED: To reclassify approximately 75 acres of land situated at Eleele, Island and County of Kauai, State of Hawaii, to allow for a residential development on the property and to utilize the density for up to 550 residential units (single-family and multi-family). 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 Workforce Development project ("Lima Ola"). Because all units will be affordable, Lima Ola qualifies as an affordable housing project under Section 201H-38, Hawaii Revised Statutes, as amended. Petitioner has sought exemptions from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS §201H-38.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai County Planning Department, 4444 Rice Street, #473, Lihue, Hawaii 96766 during office hours from 8:00 a.m. to 4:00 p.m. Monday through Friday (except legal holidays) and at the offices of the State Land Use Commission, 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813 during office hours from 7:45 a.m. to 4:30 p.m. (except legal holidays).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding, and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial pursuant to Section 9114, Hawaii Revised Statutes.

Petitions to intervene were due fifteen (15) days after the publication of the Notice of Intent to File a Land Use District Boundary Petition, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Land Use Commission Rules.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission by June 21, 2017.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii, 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION
Edmund Aczon, Chair
By Daniel E. Orodnenker, Executive Officer

(HTH995606 5/27/17)

SP. NO.: L.N.



AFFIDAVIT OF PUBLICATION

IN THE MATTER OF
NOTICE OF HEARING

STATE OF HAWAII
City and County of Honolulu

Doc. Date: MAY 30 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] Date: MAY 30 2017
Notary Public Seal: PATRICIA K. REESE, NOTARY PUBLIC, Comm. No. 86-467, STATE OF HAWAII

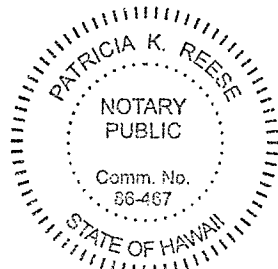
Gwyn Pang being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation 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 0 times on:
Hawaii Tribune-Herald 0 times on:
West Hawaii Today 1 times on:
05/27/2017
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
Subscribed to and sworn before me this 30 day of May A.D. 2017
Patricia K. Reese, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Oct 07, 2018

Ad # 0000995612



NOTICE OF HEARING

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of Kauai by the Land Use Commission of the State of Hawaii to consider a petition for change of district boundaries as provided for in Section 205-4 and Section 201H-38, Hawaii Revised Statutes, as amended:

DATE, TIME AND PLACE
June 28, 2017, 9:30 a.m.
June 29, 2017, 8:30 a.m.
Moikeha Building
Conference Room 2A/2B
4444 Rice Street
Lihue, Hawaii 96766

DOCKET NUMBER: A17-802

PETITIONER:

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

TAX MAP KEY NO.: (4) 2-1-001:054

CHANGE REQUESTED: To reclassify approximately 75 acres of land situated at Eieele, Island and County of Kauai, State of Hawaii, to allow for a residential development on the property and to utilize the density for up to 550 residential units (single-family and multi-family). 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 Workforce Development project ("Lima Ola"). Because all units will be affordable, Lima Ola qualifies as an affordable housing project under Section 201H-38, Hawaii Revised Statutes, as amended. Petitioner has sought exemptions from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS §201H-38.

Maps showing the proposed district boundaries and copies of the Hawaii Land Use Commission Rules governing the above petition may be inspected at the offices of the Kauai County Planning Department, 4444 Rice Street, #473, Lihue, Hawaii 96766 during office hours from 8:00 a.m. to 4:00 p.m. Monday through Friday (except legal holidays) and at the offices of the State Land Use Commission, 235 South Beretania Street, Room 406, Honolulu, Hawaii 96813 during office hours from 7:45 a.m. to 4:30 p.m. (except legal holidays).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise can demonstrate that they will be so directly and immediately affected by the proposed change that their interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as parties. Leave to intervene shall be freely granted, provided that the Commission or its hearings officer, if one is appointed, may deny an application to intervene when in the Commission's or hearings officer's sound discretion it appears that: (1) the position of the applicant for intervention concerning the proposed change is substantially the same as the position of a party already admitted to the proceeding, and (2) the admission of additional parties will render the proceedings inefficient and unmanageable. A person whose application to intervene is denied may appeal such denial pursuant to Section 9114, Hawaii Revised Statutes.

Petitions to intervene were due fifteen (15) days after the publication of the Notice of Intent to File a Land Use District Boundary Petition, pursuant to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Land Use Commission Rules.

All persons or individuals wishing to present testimony, orally or in writing, are requested to notify the Commission prior to the commencement of the hearing. Together with other witnesses that the Commission may desire to hear at the hearing, a representative of a citizen or a community group wishing to express the views of such citizen or community group concerning the proposed boundary amendment, is requested to notify the Commission prior to the commencement of the hearing and may be requested to submit written evidence of authorization to represent the citizen or community group. It is suggested that such notification be submitted to the Commission by June 21, 2017.

Any party to the proceeding may be represented by legal counsel. An individual may appear on the individual's own behalf, or a member of a partnership, may represent the partnership, or an officer or authorized employee of a corporation, trust, or other legal entity may represent the corporation, trust, or other legal entity.

For persons requesting special accommodations due to disabilities, please contact the State Land Use Commission at 587-3822 or notify the State Land Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii, 96804-2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION
Edmund Azcon, Chair
By Daniel E. Orodener, Executive Officer

(WHT995612 5/27/17)

SP.NO.: L.N.

**AFFIDAVIT OF PUBLICATION**

STATE OF HAWAII, }  
County of Maui. } ss.

Kamery A. Lee III being duly sworn  
deposes and says, that he is in Advertising Sales of  
the Maui Publishing Co., Ltd., publishers of THE MAUI NEWS, a  
newspaper published in Wailuku, County of Maui, State of Hawaii;  
that the ordered publication as to \_\_\_\_\_

**NOTICE OF HEARING**

Petitioner: County of Kauai, Housing Agency

of which the annexed is a true and correct printed notice, was  
published 1 times in THE MAUI NEWS, aforesaid, commencing  
on the 27th day of May, 2017, and ending  
on the 27th day of May, 2017 (one day  
inclusive), to-wit: on May 27, 2017

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

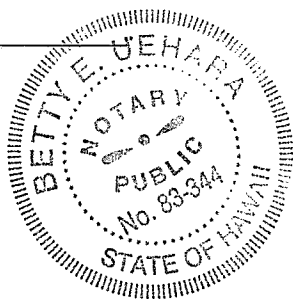
Kamery A. Lee III

This 1 page NOTICE OF HEARING, dated  
May 27, 2017,

was subscribed and sworn to before me this 30th day of  
May, 2017, in the Second Circuit of the State of Hawaii,

by Kamery A. Lee III

Betty E. Uehara  
Notary Public, Second Judicial  
Circuit, State of Hawaii



BETTY E. UEHARA  
My Commission expires 09-26-2019

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN of the hearing to be held in the County of  
Kauai by the Land Use Commission of the State of Hawaii to consider a peti-  
tion for change of district boundaries as provided for in Section 205-4 and  
Section 201H-38, Hawaii Revised Statutes, as amended:

**DATE, TIME AND PLACE**

June 28, 2017, 9:30 a.m.  
June 29, 2017, 8:30 a.m.  
Moikeha Building  
Conference Room 2A/2B  
4444 Rice Street  
Lihue, Hawaii 96766

**DOCKET NUMBER:** A17-802

**PETITIONER:**

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

**TAX MAP KEY NO.:** (4) 2-1-001-054

**CHANGE REQUESTED:** To reclassify approximately 75 acres of land  
situated at Eleele, Island and County of Kauai, State of Hawaii, to allow for  
a residential development on the property and to utilize the density for up  
to 550 residential units (single-family and multi-family). 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  
Workforce Development project ("Lima Ola"). Because all units will be  
affordable, Lima Ola qualifies as an affordable housing project under Sec-  
tion 201H-38, Hawaii Revised Statutes, as amended. Petitioner has sought  
exemptions from State and County land use regulations and is proceeding  
under the fast tracking procedures provided under HRS §201H-38.

Maps showing the proposed district boundaries and copies of the Hawaii  
Land Use Commission Rules governing the above petition may be inspected  
at the offices of the Kauai County Planning Department, 4444 Rice Street,  
#473, Lihue, Hawaii 96766 during office hours from 8:00 a.m. to 4:00 p.m.  
Monday through Friday (except legal holidays) and at the offices of the State  
Land Use Commission, 235 South Beretania Street, Room 406, Honolulu,  
Hawaii 96813 during office hours from 7:45 a.m. to 4:30 p.m. (except legal  
holidays).

All persons who have some property interest in the land, who lawfully  
reside on the land, or who otherwise can demonstrate that they will be so  
directly and immediately affected by the proposed change that their interest  
in the proceeding is clearly distinguishable from that of the general public  
shall be admitted as parties upon timely application for intervention.

All other persons may apply to the Commission for leave to intervene as  
parties. Leave to intervene shall be freely granted, provided that the Commis-  
sion or its hearings officer, if one is appointed, may deny an application to  
intervene when in the Commission's or hearings officer's sound discretion it  
appears that: (1) the position of the applicant for intervention concerning the  
proposed change is substantially the same as the position of a party already  
admitted to the proceeding, and (2) the admission of additional parties will  
render the proceedings inefficient and unmanageable. A person whose applica-  
tion to intervene is denied may appeal such denial pursuant to Section  
9114, Hawaii Revised Statutes.

Petitions to intervene were due fifteen (15) days after the publication of  
the Notice of Intent to File a Land Use District Boundary Petition, pursuant  
to Sections 15-15-97(b)(3) and 15-15-97(e) of the Hawaii Land Use Com-  
mission Rules.

All persons or individuals wishing to present testimony, orally or in writ-  
ing, are requested to notify the Commission prior to the commencement of  
the hearing. Together with other witnesses that the Commission may desire to  
hear at the hearing, a representative of a citizen or a community group wish-  
ing to express the views of such citizen or community group concerning the  
proposed boundary amendment, is requested to notify the Commission prior  
to the commencement of the hearing and may be requested to submit written  
evidence of authorization to represent the citizen or community group. It is  
suggested that such notification be submitted to the Commission by June  
21, 2017.

Any party to the proceeding may be represented by legal counsel. An indi-  
vidual may appear on the individual's own behalf, or a member of a partner-  
ship may represent the partnership, or an officer or authorized employee of a  
corporation, trust, or other legal entity may represent the corporation, trust, or  
other legal entity.

For persons requesting special accommodations due to disabilities, please  
contact the State Land Use Commission at 587-3822 or notify the State Land  
Use Commission in writing at P.O. Box 2359, Honolulu, Hawaii, 96804-  
2359, at least 10 days before the scheduled meeting.

LAND USE COMMISSION

Edmund Aczon, Chair

By Daniel E. Orodnenker, Executive Officer

(MN: May 27, 2017)

BEFORE THE LAND USE COMMISSION

OF THE STATE OF Hawai'i

In the Matter of the Petition of ) Docket No. A17-802  
)  
COUNTY OF KAUA'I 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, )  
Kaua'i, Hawai'i; consisting of )  
approximately 75 acres, Tax Map Key )  
No. (4) 2-1-001:054 )  
)  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE

I hereby certify that on this date, 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 (“MAIL”) or by hand delivery (“HD”):

COUNTY OF KAUA'I ) MAIL  
PLANNING DEPARTMENT )  
4444 Rice Street )  
Lihu'e, Kaua'i, Hawai'i 96766 )

STATE OF HAWAI'I ) HD  
OFFICE OF PLANNING )  
235 South Beretania Street )  
6th Floor, Leiopapa A Kamehameha Building )  
Honolulu, Hawai'i 96813 )

DAWN TAKEUCHI-APUNA, ESQ. ) HD  
Deputy Attorney General )  
425 Queen Street )  
Honolulu, Hawai'i 96813 )

KAUA'I COUNTY PLANNING COMMISSION ) MAIL  
c/o County of Kaua'i, Planning Department )  
4444 Rice Street )  
Lihu'e, Kaua'i, Hawai'i 96766 )



JEAN NISHIDA SOUZA  
P.O. Box 450  
Hanapēpē, Hawai'i 96716  
(Intervenor)

MAIL

DATED: Honolulu, Hawai'i, June 13, 2017.

A handwritten signature in black ink, appearing to read 'D. Minkin', written over a horizontal line.

DAVID J. MINKIN  
PETER J. HAMASAKI  
KELSEY S. YAMAGUCHI

Attorneys for Petitioner  
County of Kaua'i Housing Agency