### McCORRISTON MILLER MUKAI MacKINNON LLP

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500 Ala Moana Boulevard
Honolulu, Hawai'i 96813
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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 <u>The Garden Island</u>, <u>The Honolulu Star-Advertiser</u>, 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 <u>The Maui News</u>, 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. NINKIN PETER J. HAMASAKI KELSEY S. YAMAGUCHI

Attorneys for Petitioner County of Kaua'i Housing Agency

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IN THE MATTER OF NOTICE OF HEARING

STATE OF HAWAII	}	00				
City and County of Honolul		SS.				
Doc. Date:	ria K. Ree	MAY	3 0	2017	# Pages:_	1
Notary Name: Patric					First Judicia	
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Publication	<i>C</i>			77.5	NOTARY	W. E
Patria & Je	ux M	AY 3 0	2017	HIIII	Comm. No.	;ai)
Notary Signature			Date	7	NATE OF HA	WALLINE
Gwyn Pang being duly sworn, execute this affidavit of Oahu Star-Advertiser, MidWeek, Th Tribune-Herald, that said new State of Hawaii, and that the a aforementioned newspapers as Honolulu Star-Advertiser	Publication ne Garden Is spapers are attached notion s follows:	s, Inc. pu sland, We newspap	blisherest Havers of good	of The vaii Too general	Honolulu lay, and Hawai circulation in t	i he
Honolulu Stal-Advertisei		mnes on	•			
MidWeek	1	times on	:			
The Garden Island	1	times on	:			
05/27/2017						
Hawaii Tribune-Herald	1	times on	:			
West Hawaii Today	1	times on	:			
Other Publications:					0 times	on:
And that affiant is not a party	to or in any	way inter	rested i	in the a	bove entitled m	iatter.
Gwyn Pang	<del>7</del> /		·			
Subscribed to and swarn before	re me this	o day o	of	nay	4.D. 2	2017
Patricia K. Reese, Notary Pyli My commission expires: Oct 0 Ad # 0000995617	//	irst Judici	al Circ	cuit, Sta	NOTARY PUBLIC Comm. No. 86-467	William William Milliam Millia

#### 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:

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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 Kaual County Code, and offered for sale or rent to households who earn no more than 140% of the Kaual 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 lands of the property for the property for the lima Ola Workforce Development project ("Lima Ola"). Because all lands of the property for the property for the lima Ola Workforce Development project ("Lima Ola"). units will be affordable, Lima Ola qualifies as an affordable housing project under

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

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 hearings officer, in 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, rust, or other legal entity.

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

LAND USE COMMISSION

Edmund Aczon, Chair By Daniel E. Orodenker, Executive Officer.

(TGI995617 5/27/17)

SP.NO.:	 L.N

#### IN THE MATTER OF NOTICE OF HEARING

STATE OF HAWAII	}	
City and County of Honoluli	} SS. u }	
Doc. Date:	MAY 3 0 2017	# Pages:1
Notary Name: Patric	ia K. Reese	First Judicial Circuit
Doc. Description: Publication	Affidavit of	- IIII RICIA K. REE
Think Ru	2C MAY 3 0 201	NOTARY (PUBLIC Seat)
Notary Signature	Date	ATE OF HAMPILLIN
Gwyn Pang being duly sworn, execute this affidavit of Oahu Star-Advertiser, MidWeek, Th Tribune-Herald, that said new State of Hawaii, and that the a aforementioned newspapers as	Publications, Inc. publish the Garden Island, West Has spapers are newspapers of ttached notice is true notice to follows:	er of The Honolulu waii Today, and Hawaii general circulation in the
Honolulu Star-Advertiser	1 times on:	
05/27/2017	0 4:	
MidWeek	0 times on:	
The Garden Island	times on:	
Hawaii Tribune-Herald	times on:	
West Hawaii Today	times on:	
Other Publications:		0 times on:
And that affiant is not a party t	to or in any way interested	in the above entitled matter.
Gwyn Pang		-
Subscribed to and sworn befor	g me this <u>3</u> 6 day of <u>1.</u>	May A.D. 20/1
Patricia K. Reese, Notary Pub	io of the First Judicial Ci	rcuit, State of Hawaii
Mycommission expires: Oct 9	7, <sub>2018</sub>	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Ad# 0000995526		NOTARY PUBLIC  Comm. No. 86-467

#### NOTICE OF HEARING

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DOCKET NUMBER: A17-802

PETITIONER:

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

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

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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

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All other persons may apply to the Commission for leave to intervene as parties.

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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.

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

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

(SA995526 5/27/17)

SP.NO.:	L.N

#### IN THE MATTER OF NOTICE OF HEARING

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STATE OF HAWAII	}			
City and County of Honolul	,	SS.		
Doc. Date:	:- I/ D	MAY	3 0 2017	# Pages: 1
Notary Name: Patric				First Judicial Circuit
Doc. Description:_	Affida	avit of	<u> </u>	TRICIA K. REMIT
Publication			— 'i	NOTARY W
Motany Signature	RuseMA		2017 =	Comm. No. 86-467
Motany Signature		ı	Date	OF HAWKIN
Gwyn Pang being duly sworn, execute this affidavit of Oahu Star-Advertiser, MidWeek, Th Tribune-Herald, that said new State of Hawaii, and that the a aforementioned newspapers as	Publication ne Garden Is spapers are attached noti	s, Inc. pub sland, Wes newspaper	lisher of Th t Hawaii To s of general	e Honolulu day, and Hawaii circulation in the
Honolulu Star-Advertiser	t	times on:		
MidWeek	t	times on:		
The Garden Island	t	times on:		
Hawaii Tribune-Herald 05/27/2017	t	times on:		
West Hawaii Today	t	times on:		
Other Publications:				0 times on:
And that affiant is not a party	to or in any	way intere	sted in the a	bove entitled matter.
Gwyn Pang	7			
Subscribed to and sworn before	re me this <u>de</u>	day of	May	A.D. 20 <u>/</u> 7
Patricia/K. Reese, Notary Pub	ric of the Fi	irst Judicia	l Circuit, St	ate of Hawaii
My commission expires: Oct 0	7, 2018		11/10	JCIA K. REALL
Ad# 0000995606			William Wall	NOTARY PUBLIC Comm. No. 86-467
				. 418131.

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LAND USE COMMISSION

Edmund Aczon, Chair
By Daniel E. Orodenker, Executive Officer

(HTH995606 5/27/17)

SP.NO.:	L.N

#### IN THE MATTER OF NOTICE OF HEARING

STATE OF HAWAII	}	
City and County of Honolulu	} SS. }	
Doc. Date:	MAY 3 0 20	<sup>17</sup> # Pages: 1
Notary Name: Patricia	a K. Reese	First Judicial Circuit
Doc. Description: Publication	Affidavit of	HILLIAM K. A.
httruik L. Motany Signature	Oust 3 0 2017	SNOTARYearly PUBLIC Comm. No. 86-467
( ) Signature	Sato	OF HAWALLIN
Gwyn Pang being duly sworn, of execute this affidavit of Oahu P Star-Advertiser, MidWeek, The Tribune-Herald, that said newsp State of Hawaii, and that the attaforementioned newspapers as	Publications, Inc. publisher of e Garden Island, West Hawaii papers are newspapers of gen eached notice is true notice as	f The Honolulu i Today, and Hawaii eral circulation in the
Honolulu Star-Advertiser	0 times on:	
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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 t	he above entitled matter.
Gwyn Pang (	)	TO THE RESIDENCE OF THE PROPERTY OF THE PROPER
Subscribed to and sworn before	me this <u>30</u> day of <u>Ma</u>	A.D. 20/7
Patricia K. Reese, Notary Publi		
My commission expires; Oct 07 Ad # 0000995612	7, 2018	NOTARY PUBLIC  Comm. No. 36-467
		WILDER HANN

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DOCKET NUMBER: A17-802

PETITIONER:

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

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

(WHT995612 5/27/17)

SP.NO.:	L.N
OF.INO	15.18

# STATE OF HAWAII, County of Maui.

My Commission expires 09-26-2019

Kamery A. Lee III	being duly sworn		
deposes and says,that he is in	Advertising Sales of		
the Maui Publishing Co., Ltd., publ	ishers of THE MAUI NEWS, a		
newspaper published in Wailuku, C	ounty of Maui, State of Hawaii;		
that the ordered publication as to			
NOTICE OF I	HEARING		
Petitioner: County of Kar	uai, Housing Agency		
of which the annexed is a true as	nd correct printed notice, was		
published 1 times in THE MAUI	NEWS, aforesaid, commencing		
on the 27th day of			
on the day of	May, 2017 (one day		
inclusive), to-wit: on			
May 27, 2	2017		
	to the second manufacture of the second manufacture of the second		
and that affiant is not a party to or in	any way interested in the above		
entitled matter.			
James a Crown			
1 amy a can			
This 1 page NOTICE	OF HEARING , dated		
May 27,	2017,		
was subscribed and sworn to bef	fore me this 30th day of		
May , 2017, in the Second Circuit of the State of Hawaii,			
by Kamery A. Lee III			
Ma N. U.	A BY THE		
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Notary Public, Second Judicial Circuit, State of Hawaii	PUBLICA STATE OF THE STATE OF T		
DETTY E USUA	NO. STATE OF WILLIAM		
BETTY E. UEHARA	White was the same of the same		

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Linue, 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 Lies Commission Dale

Maps showing the proposed district boundaries and copies of the Hawaii 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) holidays).

All persons who have some property interest in the land, who lawfully reside on the land, or who otherwise an 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. 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-

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 the nearing. 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

10 days before the scheduled meeting

LAND USE COMMISSION

Edmund Aczon, Chair

By Daniel E. Orodenker, 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 AGENCY	)	CERTIFICATE OF SERVICE
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 PLANNING DEPARTMENT 4444 Rice Street Līhu'e, Kaua'i, Hawai'i 96766	MAIL
STATE OF HAWAI'I OFFICE OF PLANNING 235 South Beretania Street 6th Floor, Leiopapa A Kamehameha Building Honolulu, Hawai'i 96813	HD
DAWN TAKEUCHI-APUNA, ESQ. Deputy Attorney General 425 Queen Street Honolulu, Hawai'i 96813	HD
KAUA'I COUNTY PLANNING COMMISSION c/o County of Kaua'i, Planning Department 4444 Rice Street Līhu'e, Kaua'i, Hawai'i 96766	MAIL

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

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

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