

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 JAMES K. MEE
AGENCY)	ATTESTING TO PUBLICATION OF
)	NOTICE OF INTENT TO FILE A LAND
To Amend the Agricultural Land Use)	USE DISTRICT BOUNDARY
District Boundaries into the Urban Land)	AMENDMENT PETITION; EXHIBIT "A"
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 JAMES K. MEE ATTESTING
TO PUBLICATION OF NOTICE OF INTENT TO FILE
A LAND USE DISTRICT BOUNDARY AMENDMENT PETITION**

STATE OF HAWAII)	
)	SS.
CITY AND COUNTY OF HONOLULU)	

JAMES K. MEE, being first duly sworn on oath, deposes and says:

1. He is one of the attorneys for County of Kauai (“County”), a municipal corporation, through its Housing Agency, a political subdivision of the State of Hawaii (“Petitioner”), is licensed to practice law in Hawaii, is duly authorized to make this affidavit on behalf of Petitioner, and does so upon personal information and belief.

2. This affidavit is made to comply with Section 15-15-97(b)(5), Hawaii Administrative Rules (“HAR”) for the Land Use Commission of the State of Hawaii (“Commission”).

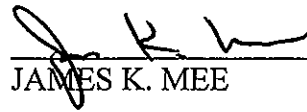
3. On December 7, 2016, Petitioner filed with the Commission a Notice of Intent to File a Land Use District Boundary Amendment Petition (“Notice of Intent”).

4. On December 7, 2016, the same day that the Notice of Intent was filed with the Commission and pursuant to HAR Section 15-15-97(b)(2), Petitioner caused the Notice of Intent, in the form attached hereto as Exhibit “A,” to be published in the Honolulu Star Advertiser, a newspaper of general circulation in the State of Hawaii, and in The Garden Island, a newspaper in the County of Kauai where the subject property is located.

5. Petitioner will file with the Commission the newspapers’ affidavits verifying

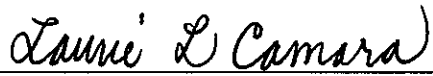
publication once they have been received from the two newspapers.

6. Further, Affiant sayeth naught.



JAMES K. MEE

This three (3) page Affidavit, was subscribed and sworn to before me on this 7th day of December, 2016, in the First Circuit, State of Hawaii by James K. Mee.



Print name: Laurie L. Camara
NOTARY PUBLIC, STATE OF HAWAII
My Commission Expires: August 10, 2018

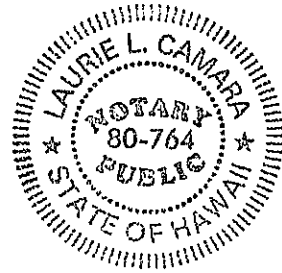


Exhibit "A"

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 RESCLASSIFICATION

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 Kaunualii 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
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