

ASHFORD & WRISTON
A LIMITED LIABILITY LAW PARTNERSHIP LLP

LAND USE COMMISSION
STATE OF HAWAII

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2017 JAN 31 A 8:57

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 |) | Maui News); CERTIFICATE OF |
| |) | SERVICE |
| 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 |) | |
| _____ |) | |

AFFIDAVIT OF PUBLICATION OF NOTICE OF HEARING

AND

CERTIFICATE OF SERVICE


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

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| No. (4) 2-1-001:054 |) | |
| _____ |) | |

AFFIDAVIT OF PUBLICATION OF NOTICE OF HEARING

COMES NOW, COUNTY OF KAUAI HOUSING AGENCY, by and through its attorneys, the law firm of ASHFORD & WRISTON LLLP, a limited liability law partnership, and hereby submits the following original AFFIDAVIT OF PUBLICATION, attached hereto, of Rhonda M. Kurohara of the Advertising Sales department of Maui Publishing Co., Ltd., publisher of The Maui News, newspaper of general circulation in the County of Maui. This affidavit is being submitted pursuant to the requirements set forth in Section 15-15-51(c), Hawaii 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, Kauai, Hawaii.

DATED: Honolulu, Hawaii, January 31, 2017.



JAMES K. MEE
SARAH M. SIMMONS
Attorneys for Petitioner
County of Kauai Housing Agency

AFFIDAVIT OF PUBLICATION

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

Rhonda M. Kurohara being duly sworn
deposes and says, that she 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 _____

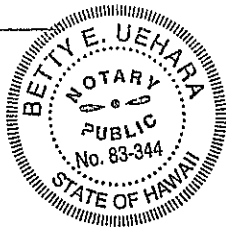
NOTICE OF HEARING

of which the annexed is a true and correct printed notice, was
published 1 time in THE MAUI NEWS, aforesaid, commencing
on the 9th day of January, 2017, and ending
on the 9th day of January, 2017, (one day
inclusive), to-wit: on _____
January 9, 2017

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

[Signature]
This 1 page Notice of Hearing, dated
January 9, 2017,
was subscribed and sworn to before me this 9th day of
January, 2017, in the Second Circuit of the State of Hawaii,
by Rhonda M. Kurohara

[Signature]
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

February 8, 2017 10:00 a.m.
February 9, 2017 9:00 a.m.
Kauai Veterans Center
3215 Kapule Highway
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 situ-
ate 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) 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.

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 9:00 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 hearing officer, if one is appointed, may deny an application to
intervene when in the Commissions or hearing 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 appli-
cation to intervene is denied may appeal such denial pursuant to Section 91-
14, 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 Commis-
sion 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 com-
mencement 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 January 25, 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. Orodenker, Executive Officer

(MN: Jan. 9, 2017)

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| COUNTY OF KAUAI HOUSING |) | CERTIFICATE OF SERVICE |
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| 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 31, 2017:

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

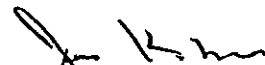
OFFICE OF PLANNING, STATE OF HAWAII
235 South Beretania Street
6th Floor, Leiopapa A Kamehameha Building
Honolulu, Hawaii 96813

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 31, 2017.



JAMES K. MEE
SARAH M. SIMMONS
Attorneys for Petitioner