

MCCORRISTON MILLER MUKAI MACKINNON LLP

LAND USE COMMISSION
STATE OF HAWAII

DAVID L. MINKIN, ESQ. 3639
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawai'i 96813
Telephone: (808) 529-7300

2017 MAY -4 A 9:37

MAUNA KEA TRASK 8418
Office of the County Attorney
4444 Rice Street, Suite 220
Lihu'e, Hawai'i 96766
Telephone: (808) 241-4930

Attorneys for Petitioner
COUNTY OF KAUA'I 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 KAUA'I HOUSING	)	AFFIDAVIT OF PUBLICATION (The
AGENCY	)	Garden Island); AFFIDAVIT OF
	)	PUBLICATION (The Honolulu Star-
To Amend the Agricultural Land Use	)	Advertiser); AFFIDAVIT OF
District Boundaries into the Urban Land	)	PUBLICATION (Hawaii Tribune-Herald);
Use District for certain lands situated at	)	AFFIDAVIT OF PUBLICATION (West
'Ele'ele, Kaua'i, Hawai'i; consisting of	)	Hawaii Today); AFFIDAVIT OF
approximately 75 acres, Tax Map Key	)	PUBLICATION (The Maui News);
No. (4) 2-1-001:054	)	CERTIFICATE OF SERVICE
)	

AFFIDAVITS OF PUBLICATION OF NOTICE OF INTENT

AND

CERTIFICATE OF SERVICE

Exhibit 7-D

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 (The Honolulu Star-
To Amend the Agricultural Land Use	)	Advertiser); AFFIDAVIT OF
District Boundaries into the Urban Land	)	PUBLICATION (Hawaii Tribune-Herald);
Use District for certain lands situated at	)	AFFIDAVIT OF PUBLICATION (West
'Ele'ele, Kaua'i, Hawai'i; consisting of	)	Hawaii Today); AFFIDAVIT OF
approximately 75 acres, Tax Map Key	)	PUBLICATION (The Maui News);
No. (4) 2-1-001:054	)	CERTIFICATE OF SERVICE
)	

AFFIDAVITS OF PUBLICATION OF NOTICE OF INTENT

COMES NOW, COUNTY OF KAUAI HOUSING AGENCY, 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 Rhonda M. Kurohara, in Advertising Sales with Maui Publishing Co., Ltd. publisher of The Maui News, newspapers of general circulation within the State of Hawaii and the County of Kauai. These affidavits are being submitted pursuant to the requirements set forth in Section 15-15-97(b)(5), Hawai'i Administrative Rules (HAR), 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: Lihu'e, Hawai'i, May 4, 2017.



Kanani Fu
Petitioner

AFFIDAVIT OF PUBLICATION

(THE GARDEN ISLAND)

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF Legal Notice

STATE OF HAWAII

City and County of Honolulu

Doc. Date: APR 13 2017 # Pages: 1
Notary Name: Patricia K. Reese First Judicial Circuit
Doc. Description: Affidavit of Publication
Notary Signature: [Signature] APR 13 2017 Date
Notary Public (Stamp or Seal) 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:
04/13/2017
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.

Gwyn Pang
Gwyn Pang

Subscribed to and sworn before me this 13th day of April A.D. 20 17

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

My commission expires: Oct 07, 2018

Ad # 0000983273

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 legal counsel, THE OFFICE OF THE COUNTY ATTORNEY OF THE COUNTY OF KAUAI and its special legal counsel, MCCORRISTON MILLER MUKAI MACKINNON, 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 June 13, 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 Kaunuaiki 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 1A 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

June 13, 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

MCCORRISTON MILLER MUKAI
MACKINNON
Attention: David L. Minkin, Esq.
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawaii 96813

SP (TG)983273 4/13/17

AFFIDAVIT OF PUBLICATION
(THE HONOLULU STAR-ADVERTISER)

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF Legal Notice

STATE OF HAWAII

City and County of Honolulu

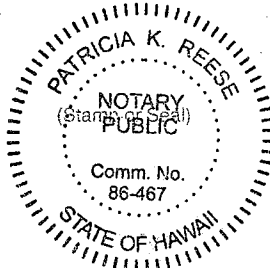
SS.

Doc. Date: APR 13 2017 # Pages: 1

Notary Name: Patricia K. Reese First Judicial Circuit

Doc. Description: Affidavit of
Publication

Notary Signature: *Patricia K. Reese* APR 13 2017
Date



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:

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04/13/2017

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 13th day of April A.D. 20 17

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

My commission expires: Oct 07, 2018

Ad # 0000983206

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 legal counsel, THE OFFICE OF THE COUNTY ATTORNEY OF THE COUNTY OF KAUAI and its special legal counsel, MCCORRISTON MILLER MUKAI MACKINNON, 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 June 13, 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 Kaunimialii 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

June 13, 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

MCCORRISTON MILLER MUKAI
MACKINNON
Attention: David L. Minkin, Esq.
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawaii 96813

(SA983206 4/13/17)

SP

AFFIDAVIT OF PUBLICATION

(HAWAII TRIBUNE-HERALD)

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF Legal Notice

STATE OF HAWAII

City and County of Honolulu

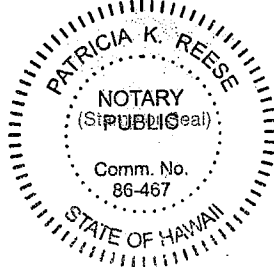
SS.

Doc. Date: APR 14 2017 # Pages: 1

Notary Name: Patricia K. Reese First Judicial Circuit

Doc. Description: Affidavit of
Publication

Notary Signature APR 14 2017
Date



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:

04/14/2017

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.

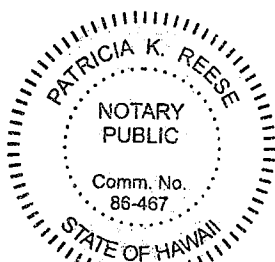
Gwyn Pang

Subscribed to and sworn before me this 14 day of April A.D. 2017

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

My commission expires: Oct 07, 2018

Ad # 0000983711



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 legal counsel, THE OFFICE OF THE COUNTY ATTORNEY OF THE COUNTY OF KAUAI and its special legal counsel, MCCORRISTON MILLER MUKAI MACKINNON, 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 June 13, 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 Kaunua 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

June 13, 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

MCCORRISTON MILLER MUKAI
MACKINNON
Attention: David L. Minkin, Esq.
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawaii 96813

SP.NC

(H983711 4/14/17)

AFFIDAVIT OF PUBLICATION

(WEST HAWAII TODAY)

AFFIDAVIT OF PUBLICATION

IN THE MATTER OF Legal Notice

STATE OF HAWAII

City and County of Honolulu

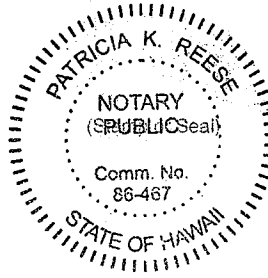
SS.

Doc. Date: APR 14 2017 # Pages: 1

Notary Name: Patricia K. Reese First Judicial Circuit

Doc. Description: Affidavit of
Publication

Notary Signature: *Patricia K. Reese* APR 14 2017
Date



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:

04/14/2017

Other Publications: 0 times on:

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

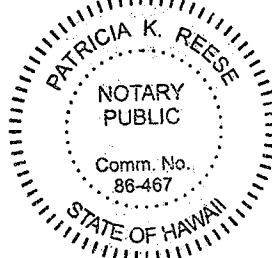
Gwyn Pang
Gwyn Pang

Subscribed to and sworn before me this 14 day of April A.D. 2017

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

My commission expires Oct 07, 2018

Ad # 0000983717



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 legal counsel, THE OFFICE OF THE COUNTY ATTORNEY OF THE COUNTY OF KAUAI and its special legal counsel, MCCORRISTON MILLER MUKAI MACKINNON, 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 June 13, 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 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

June 13, 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

MCCORRISTON MILLER MUKAI
MACKINNON
Attention: David L. Minklin, Esq.
Five Waterfront Plaza, 4th Floor
500 Ala Moana Boulevard
Honolulu, Hawaii 96813

(WH)983717-4/14/17/10/1

1002.01

AFFIDAVIT OF PUBLICATION

(THE MAUI NEWS)

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 INTENT TO FILE A LAND USE

of which the annexed is a true and correct printed notice, was
published 1 times in THE MAUI NEWS, aforesaid, commencing
on the 14th day of April, 2017, and ending
on the 14th day of April, 2017 (one day
inclusive), to-wit: on _____

April 14, 2017

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

This 1 page **NOTICE OF INTENT TO FILE**, dated

April 14,

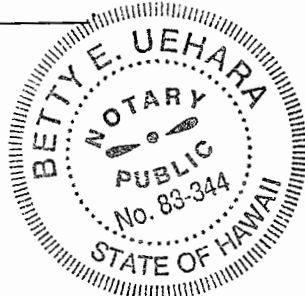
2017,

was subscribed and sworn to before me this 14th day of
April, 2017, in the Second Circuit of the State of Hawaii,

by Rhonda M. Kurohara

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

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



**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 legal counsel, THE OFFICE OF THE COUNTY ATTORNEY OF THE COUNTY OF KAUAI and its special legal counsel, MCCORRISTON MILLER MUKAI MACKINNON, a limited liability partnership LLP, intends to file a Land Use District Boundary Amendment Petition with the Land Use Commission of the State of Hawaii on June 13, 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 to the west along a portion of its western boundary with Kaunani Highway to the west. The property consists of approximately 75 acres located in Eleele, Kauai, Hawaii with a downward slope in a 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 5 residential units (single family and multi family) to provide needed affordable housing supply, Kauai. All units will be affordable as defined by Chapter 7A of the Kauai County Code, as 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 a 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 track procedures provided under HRS 201H-38.

DATE OF FILING OF PETITION

June 13, 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 fifty (50) 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 or a public witness may submit a written request to the Land Use Commission not later than seven 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	MCCORRISTON MILLER MUKAI MACKINNON
Attn: Keith Perry	Attention: David L. Munkin, Esq.
4444 Rice Street, Suite 330	Five Waterfront Plaza, 4th Floor
Lihue, Hawaii 96766	500 Ala Moana Boulevard
	Honolulu, Hawaii 96813

(MN: Apr. 14, 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 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 May 4, 2017:

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

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

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

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

JEAN NISHIDA SOUZA
P.O. Box 450
Hanapēpē, Hawai‘i 96716
(Intervener)

DATED: Līhu‘e, Hawai‘i; May 4, 2017.

A handwritten signature in black ink, appearing to read "Kanani Fu", written over a horizontal line.

Kanani Fu
Petitioner