

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A17-803
)	
KEALIA PROPERTIES, LLC)	KEALIA PROPERTIES, LLC
)	
To Amend The Agricultural Land Use)	
District Boundary Into The Urban Land Use)	
District For Approximately 53.361 Acres Of)	
Land At Keālia, Kawaihau, Puna, Island Of)	
Kaua`i, State of Hawai`i, Tax Map)	
Key: (4) 4-7-004: por. 001)	
_____)	

LAND USE COMMISSION
 STATE OF HAWAII
 2017 OCT 16 A 9:22

PETITION FOR LAND USE
DISTRICT BOUNDARY AMENDMENT

VERIFICATION

EXHIBITS "1" THROUGH "5"

AFFIDAVIT OF SERVICE OF PETITION
FOR LAND USE DISTRICT BOUNDARY AMENDMENT

AFFIDAVIT OF SENDING OF NOTIFICATION OF PETITION FILING

AND

CERTIFICATE OF SERVICE

BENJAMIN M. MATSUBARA, #993-0
 CURTIS T. TABATA, #5607-0
 Matsubara, Kotake & Tabata
 888 Mililani Street, Suite 308
 Honolulu, Hawai`i 96813

Attorneys for Petitioner
 KEALIA PROPERTIES, LLC

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TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAII:

KEALIA PROPERTIES, LLC ("Petitioner") by and through its attorneys,
MATSUBARA, KOTAKE & TABATA, respectfully petitions the Land Use Commission
of the State of Hawai`i ("Commission") to amend the land use district boundary of
approximately 53.361 acres of land at Keālia, Kawaihau, Puna, Kaua`i, Hawai`i,
("Property" or "Petition Area") more particularly described below, from the State Land
Use Agricultural District to the State Land Use Urban District for a residential
subdivision known as Keālia Mauka Homesites ("Project"). In support of this Petition,
Petitioner respectfully presents the following:

1. Background. The Petition Area was historically used for sugar cane
cultivation up until 1997, and has since been used primarily for cattle grazing.

Petitioner is now seeking to reclassify the Petition Area to the urban district to develop approximately 235 residential lots ranging from 5,600 SF to 7,300 SF for empty lot sales that are intended to offset Kaua`i's residential inventory shortage.

2. Standing. The fee simple ownership of TMK: (4) 4-7-004: por. 001, comprising of approximately 53.361 acres of land, is vested in Petitioner, a Delaware limited liability company, whose principal place of business is c/o Ms. Moana Kinimaka Palama, Hawaii Management Services LLC, P.O. Box 1630 Koloa, Hawai`i 96756. Petitioner possesses the requisite standing to file this Petition pursuant to HRS § 205-4(a) and Hawai`i Administrative Rules ("HAR") § 15-15-46(3).

3. Authorized Representatives. Mr. Benjamin M. Matsubara and the law firm of Matsubara, Kotake & Tabata have been appointed to represent the Petitioner pursuant to HAR § 15-15-35(b). All correspondence and communications in regard to this Petition shall be addressed to, and served upon, Mr. Benjamin M. Matsubara, Matsubara, Kotake & Tabata, 888 Mililani Street, Suite 308, Honolulu, Hawai`i 96813 and Ms. Moana Kinimaka Palama, Hawaii Management Services LLC, P.O. Box 1630, Koloa, Hawai`i 96756

4. Relief Sought. Petitioner desires to amend the land use district boundary to reclassify approximately 53.361 acres of land at Keālia, Kawaihau, Puna, Kaua`i, Hawai`i, from the State Land Use Agricultural District to the State Land Use Urban District.

5. Authority for Relief Sought. Petitioner files this Petition pursuant to HRS § 205-4 and the Land Use Commission Rules of the State of Hawai`i, HAR, Title 15, Subtitle 3, Chapter 15.

6. Description of the Property. The Petition Area is located in east Kaua`i, approximately 1.5 miles north of the town of Kapa`a, and is across Kūhiō Highway from Keālia Beach Park. The 36-lot Ka`ao Subdivision abuts the Petition Area to the south and Kūhiō Highway forms the east (*makai*) boundary. Undeveloped agricultural lands extend northward and westward from the Petition Area.

A map identifying the location of the Property is attached as Exhibit "1". A survey map and metes and bounds description of the Property is attached as Exhibit "2". Tax maps showing the Property are attached as Exhibit "3".

7. Petitioner's Property Interest. The fee simple ownership of Petition Area is owned by Petitioner. Attached to this Petition as Exhibit "4" are documents evidencing Petitioner's ownership of the Petition Area.

8. Description of Easements on the Subject Property. Easements for roadways and other infrastructure located on TMK: (4) 4-7-004: 001 are held by the State of Hawai`i, Kealia Irrigation Company, Inc., Cornerstone Hawaii Holdings LLC, Kealia Makai Owners Association, Kealia Water Company Holdings LLC, Plantation Partners Kauai, LLC, Kealiakealanani, LLC, and DCA Hawaii, LLC. The Title Guaranty Status Report describing the easements is attached as a part of Exhibit "4".

9. Petitioner's Financial Condition. This Petition will be amended with Petitioner's financial statements towards the end of the EIS process.

10. Reclassification Sought, Proposed Use of Property and Conformity to Urban District Standards. The Property is presently classified within the State Land Use Agricultural District. Petitioner seeks to reclassify the Property to the State Land Use Urban District to develop the Project. Petitioner is proposing the development of approximately 235 lots ranging in size from about 5,600 SF to 7,300 SF. The Project includes installation of utility infrastructure (e.g., potable water, drainage, wastewater, electrical power, and telecommunications systems) and transportation improvements to serve each subdivided parcel. The subdivision will include two detention basins/open space areas, totaling 5.86 acres. The detention basin on the south side of the property can be designed to include passive recreation space and will also provide a buffer with the neighboring subdivision. Individual lot buyers would implement home construction on their parcels, a typical practice on Kaua'i.

Access to the subdivision would be via Keālia Road from its intersection with Kūhiō Highway. A roundabout entrance to the subdivision is proposed in order to provide a safe and efficient central connecting point for adjoining subdivision roads.

The lot sizes were intentionally set below 10,000 SF in order to keep prices within a manageable range for local residents, the intended market. The pricing of the individual lots will meet the workforce housing requirements of Kaua'i County

Ordinance No. 860 that established a new chapter in the Kaua'i County Code (1987, as amended) relating to the housing policy for the County of Kaua'i. The Project is described in the draft Keālia Mauka Homesites, Environmental Impact Statement Preparation Notice, dated September 2017, attached hereto and incorporated herein by reference as Exhibit "5".

The Project is consistent with the standards for urban districts pursuant to HAR § 15-15-18. The Project will have "city-like" concentrations of people, structures, streets and urban level of services, and the Project is proximately located to centers of trading and employment, accessible to basic services, has satisfactory topography, reasonably free from adverse environmental effects, and is contiguous with urban areas.

11. Projected Number of Lots, Lot Size, Number of Units, Densities, Selling Price, Intended Market and Development Timetables. The Project includes approximately 235 lots ranging in size from about 5,600 SF to 7,300 SF. A market and economic study will be conducted as a part of the Draft Environmental Impact Statement ("DEIS").

12. Environmental Impact. Exhibit "5" to this Petition is the draft EISPN. If the Land Use Commission, State of Hawai'i ("LUC") agrees to be the accepting authority and accepts the proposed Final Environmental Impact Statement ("FEIS"), then this Petition will be amended to incorporate the FEIS as an exhibit to this Petition.

13. Description of the Property, Surrounding Area and Use of Land. The Petition Area is currently comprised of pastures for cattle grazing, and is bordered by Kūhiō Highway to the east, the 36-lot Ka`ao Subdivision to the south, and undeveloped agricultural lands to the north and west.

14. Soils Classification, Agricultural Lands of Importance to the State of Hawai`i, and Productivity Rating. There are three types of soils within the Petition Area: IoB – Ioleau silty clay loam, 2 to 6 percent slope, IoC – Ioleau silty clay loam, 6 to 12 percent slope, and LhB – Līhu`e silty clay, 0 to 8 percent slope. The University of Hawai`i Land Study Bureau (LSB)'s 1967 *Detailed Land Classification* provided an inventory and evaluation of the State's land resources. All lands in the State were grouped into similar units of land types, except those in the State Urban District. The LSB also described their condition and environment; rated the overall quality of the land in terms of agricultural productivity; assessed its capabilities for selected alternative crops; and defined land types and groupings based on their soil properties and productive capabilities. A five-tier productivity rating system was developed with "A" representing the highest level of productivity and "E" the lowest. As shown in Figure 7, the lands within the Petition Area have a productivity rating of B. The Agricultural Lands of Importance to the State of Hawai`i (ALISH) Classification System was developed and compiled in 1977 by the State Department of Agriculture with assistance from the Natural Resources Conservation Service, U.S. Department of

Agriculture (formerly the Soil Conservation Service) and the College of Tropical Agriculture, University of Hawai`i. This classification system was developed to identify three classes of agriculturally important lands for Hawai`i as part of a national effort to inventory important farmlands. The Hawai`i classification system established three classes of agricultural lands that are important to the State: "Prime," "Unique," and "Other." Residual lands that are less suitable for agriculture are "Unclassified." The entire Petition Area is considered Prime agricultural land. A further analysis of soils and agricultural lands will be conducted in connection with the preparation of the DEIS.

15. Topography. The topography of the Petition Area is gently sloping at approximately 3 percent, with undulating hills throughout. The western portion of the Petition Area consists of relatively flat land, with the eastern portion having gentle to moderate slopes.

16. Assessment of the Impacts of the Proposed Development on the Environment. A discussion of the impacts of the Project on the environment will be included in the DEIS.

a. Flora. The Petition Area has historically been utilized for various agricultural activities, including sugar cane production and livestock grazing. As with many areas in the Hawaiian Islands, the natural habitat has been highly modified and is characterized by introduced plant species. The botanical survey completed for the

Project (LeGrande, 2016) described the area as an open alien dominated Guinea grassland with infrequently scattered shrubs and tree species. Non-native plant species dominate the survey area, with only one native species, Uhaloa (*Waltheria indica*), observed infrequently during the survey. There is no federally delineated Critical Habitat, or threatened and/or endangered plant species present on or adjacent to the Petition Area.

b. Fauna. Faunal surveys were conducted for the subject property to determine if there are any avian or terrestrial mammalian species currently listed, or proposed for listing under either federal or State of Hawai'i endangered species statutes. The surveys did not record any avian species listed or proposed for listing. Avian diversity consistent with the Project location and the degraded habitat present on the site. The most commonly recorded bird species was the Cattle Egret, which accounted for 28 percent of the total number of individual birds recorded (Rana Biological Consulting, 2017). It was noted that although they were not observed during the survey, the endangered Hawaiian Petrel (*Pterodroma sandwichensis*), and the threatened endemic Newell's Shearwater (*Puffinus newelli*) have been recorded over-flying the general Project vicinity between April and the end of November each year. Outdoor lighting associated with the proposed subdivision could pose a threat to these nocturnally flying seabirds unless mitigation measures are implemented. Proposed mitigation, such as shielded lights will be discussed in the DEIS. The findings

of the mammalian survey are consistent with the location of the property and the disturbed habitat present on the site. No mammalian species proposed for listing, or listed as endangered or threatened were recorded during the survey. No Hawaiian hoary bats were observed overflying the site. However, Hawaiian hoary bats are widely distributed in the low to mid-elevation areas on the Island of Kaua`i, and have been documented in and around areas that still have dense vegetation. Mitigation to avoid impacts to the Hawaiian hoary bat will be discussed in the DEIS.

c. Groundwater and Surface Water. The Petition Area is within the Kapa`a Watershed, which encompasses approximately 16.5 square miles. There are no wetlands or streams located within the Project site, although there are streams to the north and south of the area. Kapa`a Stream, also referred to as Keālia River, is a perennial stream located to the south of the Petition Area. It extends from the *mauka* areas, crosses under Kūhiō Highway, and enters the ocean at the southern end of Keālia Beach. The Hawai`i Stream Assessment ranks Kapa`a Stream as “outstanding.” (HCPSU, 1990). Kumukumu Stream is located to the north of the Petition Area, flowing *mauka* to *makai* and passing through the Keālia Kai subdivision before entering the ocean. Homaikawa`a Stream is located further north, just south of Ahihi Point. For much of the year, the stream is a dry gulch leading to an estuarine pool, more or less open to the ocean. Runoff flows through this gulch only during storm events (County

of Kaua'i, 2003). The DEIS will further discuss ground water and surface water impacts.

d. Archaeological and Historical Resources. An archaeological literature review and field inspection (LRFI) for the proposed Keālia Mauka subdivision has been prepared by Cultural Surveys Hawai'i. The Area of Potential Effect (APE) and inspection area encompassed the entire Petition Area. The LRFI included historical, cultural and archaeological background research and a field inspection, to identify existing resources in the Petition Area, and to determine the likelihood that they may be affected by the Project.

Based on background research, the Petition Area was part of the cultivation of sugarcane between the late nineteenth century and 2000. The field inspection identified five historic sites in the general area that were previously documented. These features most likely date to the early twentieth century and are considered part of the Keālia and Lihue Plantation's irrigation, communication, and transport system. The LRFI findings and recommendations will be discussed with the State Historic Preservation Division (SHPD) and a determination will be made whether further archaeological investigation or mitigation is required.

e. Cultural Resources. A cultural impact assessment (CIA) for the Project is being conducted by Cultural Surveys Hawai'i, in compliance with Act 50 of State environmental law, which requires the assessment of effects on the cultural

practices and cultural resources of the community and State. The CIA process involves consultation with key stakeholders, including government agencies and community members familiar with ongoing and past cultural practices in the area. The CIA report will summarize the findings and evaluate potential adverse effects on cultural practices and cultural resources.

f. Agriculture. The entire Petition Area is currently used for cattle grazing by RKL Ranch, LLC, based in Kīlauea, Kauaʻi. RKL Ranch, LLC licenses a total of approximately 780 acres in the area, and employs a pasture rotation program, in which cattle are rotated throughout pens on the property on a timeframe based on forage availability, weather conditions, and production outlay. The 780 acres includes 86 acres that have been added to RKL's lease to accommodate the loss associated with the proposed Project. Their herd, consisting of mainly Black Angus mixed breed cattle, averages approximately 120 cows, 6 bulls, and 60 weaners. The proposed Project is not anticipated to have a significant impact on agricultural production on adjoining or nearby agricultural lands.

g. Air and Noise Quality. The DEIS will discuss air and noise quality impacts.

h. Scenic and Open Space Resources. The Project site sits at an elevation of approximately 100 feet above the coastline, just north of Keālia Beach Park. From the highway and along the coastal multi-use path, the public has expansive views

of Keālia Beach and the east Kaua`i coastline as well as *mauka* views of Mt. Kalalea and the Nounou mountain range to the southwest, and the Keālia Forest Reserve to the northwest. The transformation of an undeveloped site into a residential subdivision will have a visual impact when looking *mauka* from Kūhiō Highway, Keālia Beach, and the coastal multi-use path. There will be a visual impact to residents in the adjacent Ka`ao Road subdivision, although the proposed subdivision will be separated by a 4.3-acre open space buffer. The potential impact to coastal views and scenic resources will be discussed further in the DEIS.

17. Availability or Adequacy of Public Services and Facilities.

a. Roadways and Public Transportation. Kūhiō Highway is a State-owned and maintained roadway, and serves as the major thoroughfare in the east Kaua`i region, generally running north-south. In the Project vicinity, Kūhiō Highway is a two-lane roadway with a posted speed limit of 50 miles per hour (mph) in the northbound direction and 40 mph in the southbound direction.

The proposed subdivision will be accessed from Kūhiō Highway via Keālia Road. Keālia Road is a two-way, two-lane roadway that generally runs northwest-southeast. It begins at its intersection with Kūhiō Highway and extends to the northwest to its intersection with Haua`ala Road. In the vicinity of the Petition Area, Keālia Road has a posted speed limit of 25 mph. Access to the adjacent Ka`ao subdivision is also via Keālia Road and the local Ka`ao Road. Hopoe Road is a short

dead-end street off Keālia Road that provides access to three residential lots. The entry to the proposed Keālia Mauka Homesites will be located *mauka* of Hopoe Road. Other roadways in the vicinity will be described in the DEIS.

The addition of up to 235 new single-family house lots at the Keālia Mauka Homesites will have an impact on traffic conditions in the area. A Traffic Impact Analysis Report (TIAR) is being prepared by Austin, Tsutsumi & Associates, Inc. (ATA) to assess this impact and propose mitigation. The TIAR will describe existing regional and localized traffic conditions, and future conditions with and without the Project. The analysis will include the following three intersections:

- Kūhiō Highway and Keālia Road
- Kūhiō Highway and Mailihuna Road
- Ka`ao Road and Keālia Road

Existing traffic volumes at these intersections, based on current traffic counts, will be presented. The TIAR will calculate future traffic volumes for a selected “base year” both with and without the Project. The future projections will account for defacto growth and other new developments that are expected to be completed, in addition to the traffic generated by the proposed subdivision. The total number of vehicle trips generated by the Project will be estimated using standard trip generation techniques.

The data will provide a comparison of future conditions with and without the proposed residential subdivision. The TIAR will recommend both on-site and off-site road improvements to mitigate the Project's traffic impacts.

b. Water System. Existing residential uses in the vicinity, including lots along Ka`ao and Hopoe Road, are serviced through a private domestic water system called the Keālia Water System. Source water is provided by two wells located on the western side of Keālia Road. A 12-inch waterline runs north along Keālia Road and connects the wells to two 67,000 gallon water tanks. This water system services lots along Ka`ao and Hopoe Road with an 8-inch waterline branching off from Keālia Road. There is also a 12-inch waterline that branches off of Keālia Road to serve the subdivision on the *makai* side of Kūhiō Highway. This waterline intersects the proposed Keālia Mauka Homesites.

The Keālia Water System is owned by the entity, Keālia Water Company Holdings, LLC (Water Company). The owner of the proposed Keālia Mauka Homesites has a water service agreement with Keālia Water Company which allows a daily aggregate of 300,000 gallons per day (gpd) of potable water to be reserved for the use of the future owners in the Petition Area.

c. Wastewater System. The County of Kaua'i operates four wastewater systems serving: 1) Waimea; 2) Hanapepe-'Ele'ele; 3) Līhu'e-Hanama'ulu; and the 4) Kūhiō Highway corridor between Wailua and Kapa'a. All but the Waimea

plant have substantial amounts of available treatment plant capacity, but this capacity is already committed to existing and planned developments (Kodani & Associates, 2017). In the Wailua-Kapa'a area, which includes the Project site, wastewater treatment is accomplished with either Individual Wastewater Systems (IWS), such as cesspools or septic tanks, or at the County-owned and operated Wailua Wastewater Treatment Plant (WWTP). IWSs generally used in the parcels that have water service but no sewer service. The proposed Keālia Mauka Homesites will connect to the County's Wailua-Kapa'a system. It is anticipated that construction of a wastewater lift station and transmission pipeline will be necessary for connection to the County system. It is estimated that at total build out, the 235 single-family house lots will produce approximately 94,400 gallons of wastewater per day.

d. Drainage. The DEIS will describe general existing and proposed drainage patterns both regionally and within the Petition Area. A conceptual drainage system including detention basins will be provided and estimated existing and proposed runoff quantities will be calculated.

e. Electrical, Telephone, and Cable Television Services. The DEIS will provide an overview of electrical, telephone and cable television services for the Project.

f. Police and Fire Protection. The DEIS will provide an overview of police and fire protection for the Project.

g. Educational Facilities. The DEIS will provide an overview of public and private schools within the Project vicinity.

h. Recreational Facilities. The DEIS will describe existing recreational facilities and amenities in the area, including public parks, beach parks, and the County's coastal Ke Ala Hele Makalae multi-use path. The Project's impact on these facilities will be described.

i. Solid Waste Disposal. The County Department of Public Works (DPW) refuse collection crews operate out of three baseyards on Kaua'i. The Kapa'a Baseyard collects trash from Puhi to Anahola, and includes the Keālia Mauka Petition Area. There is currently one sanitary landfill and four refuse transfer stations on the island. The transfer stations are at Hanapepe, Līhu'e, Hanalei, and Kapa'a, with the latter the closest to the Petition Area. The County's single landfill, the Central Kaua'i Landfill, is located in Kekaha and services the entire island. According to the County's Integrated Solid Waste Management Plan, the landfill will need be expanded to increase capacity. The County Department of Public Works, Solid Waste Division has indicated there are plans to expand the landfill to provide capacity until 2027 (Kodani & Associates, 2017).

Residential waste is collected via the County of Kaua'i's Residential Refuse Collection program.

Adjacent residential areas along Ka`ao and Hopoe Roads are served by the County. Currently, there is no solid waste generation from the Project site.

The Kaua`i County Recycling Office is a division of the DPW Solid Waste Division and oversees County recycling programs. Paper, aluminum, other metals, glass, plastic, motor oil, household hazardous waste and green waste are recycled. There are also greenwaste diversion sites located in Hanapepe, Lihu`e and Kapa`a.

j. Medical Facilities. The DEIS will provide an overview of medical services for the Project.

18. Location of the Proposed Development to in Relation to Adjacent Land Use Districts and Centers of Trading and Employment. The Petition Area is adjacent to lands in the Urban District and the Agricultural District. The Petition Area is also near to centers of trading and employment located in the town of Kapa`a.

19. Economic Impacts of the Proposed Development. A Market and Economic impact study will be prepared and discussed in the DEIS.

20. Housing Needs of Low Income, Low-moderate Income and Gap Groups. The Project will comply with the County's workforce housing ordinance.

21. Need for the Reclassification. The purpose of the proposed action is to provide for-sale residential lots for Kaua`i residents to address the current and projected shortfall of single-family housing on the island. In 2015, the State of Hawai`i Department of Business, Economic Development and Tourism (DBEDT) prepared a

report entitled *Measuring Housing Demand in Hawaii, 2015-2025*, which projected housing demand statewide over the next decade. The analysis considered variables of projected population growth, visitor growth, and vacancy rates. Housing demand was based on the anticipated increase in number of households. This study projected that the total population for Kaua`i County will increase by 19 percent by 2025, and forecasted a demand for 5,287 additional housing units during the 2015-2025 period (DBEDT, 2015). A market and economic impact study will be prepared and discussed in the DEIS.

22. Hawai`i State Plan. The proposed Project's consistency with the Hawai`i State Plan will be discussed in the DEIS.

23. Hawai`i Coastal Zone Management ("CZM") Program. The proposed Project's consistency with the Hawai`i Coastal Zone Management Program will be discussed in the DEIS.

24. County of Kaua`i General Plan. The proposed Project's consistency with the County of Kauai General Plan will be discussed in the DEIS.

25. County of Kaua`i Comprehensive Zoning Ordinance. The proposed Project's consistency with the County of Kaua`i Comprehensive Zoning Ordinance will be discussed in the DEIS.

26. County of Kaua'i Special Management Area. The proposed Project's consistency with the County of Kaua'i Special Management Area will be discussed in the DEIS.

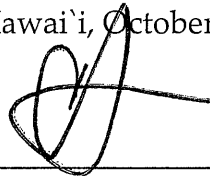
27. Development of the Property. It is anticipated that Project will be substantially completed within ten (10) years after the date of the Commission's approval.

28. Hawaiian Customary and Traditional Rights. Petitioner is aware of and sensitive to the existence and practice of native Hawaiian customary and traditional rights that are protected by Article XII, Section 7 of the Hawai'i State Constitution. A cultural impact assessment for the Project will be prepared and included with the DEIS.

29. Written Comments from Agencies and Organizations. Written comments from agencies and organizations will be included in the DEIS.

Based on the foregoing, Petitioner respectfully requests that the Commission finds that the Petition meets the standards for determining Urban District boundaries pursuant to HAR § 15-15-18, and amends the land use district boundary of the Property from the State Land Use Agricultural District to the State Land Use Urban District.

DATED: Honolulu, Hawai'i, October 16, 2017.



Of Counsel:
MATSUBARA, KOTAKE & TABATA
A Law Corporation

BENJAMIN M. MATSUBARA
CURTIS T. TABATA
Attorneys for Petitioner
KEALIA PROPOERTIES, LLC

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VERIFICATION

STATE OF HAWAII)
) ss.:
COUNTY OF KAUA`I)

Moana Kinimaka Palama, being first duly sworn, on oath, deposes and says that:

1. I am the agent of KEALIA PROPERTIES, LLC ("Petitioner"), and in this capacity I am familiar with matters relating to the land which is the subject of Docket No. A17-803 and knowledgeable to testify on behalf of the Petitioner.
2. I have personal knowledge of the matters set forth in the foregoing Petition in Docket No. A17-803 and am qualified and competent to make this verification.
3. I make this verification pursuant to HAR § 15-15-39, Land Use Commission Rules.

4. I have read the foregoing document and the contents therefore are true and correct to the best of my knowledge and belief.

Dated: Koloa, Hawai'i, 10-12-2017.

VS

Moana Kinimaka Palama
MOANA KINIMAKA PALAMA

Subscribed and sworn to me
this 12th day of OCTOBER 2017

Nicholas Ricciardi
Name NICHOLAS RICCIARDI
Notary Public, State of Hawai'i
My commission expires: 12/29/17

NOTARY CERTIFICATE (Hawai'i Administrative Rules § 5-11-8)	
Document Identification or Description: Verification	
Doc. Date: <u>10/12/17</u>	No. of Pages: <u>2</u>
Jurisdiction: <u>5th</u> Circuit	
(in which notarial act is performed)	
<u><i>Nicholas Ricciardi</i></u>	<u>10/12/17</u>
Signature of Notary	Date of Certificate
<u>NICHOLAS RICCIARDI</u>	<u>VS</u>
Printed Name of Notary	(Official Stamp)