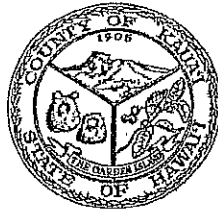


EXHIBIT "5"

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning

Nadine K. Nakamura
Managing Director

Ka'aina S. Hull
Deputy Director of Planning

PLANNING DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite A-473, Lihue, Hawai'i 96766
TEL (808) 241-4050 FAX (808) 241-6699

NOTICE OF PUBLIC HEARING
NOTIFICATION PROCEDURES

Pursuant to Sections 8-19.6(d), 8-20.6, 8-21.5, 8-22.3(c), 8-27.9(c) of the Kaua'i County Code of Ordinances, as amended, Section 9.0 of the County of Kaua'i Special Management Area Rules and Regulations, and Chapter 13 of the Planning Commission's Rules of Practice and Procedures, the following notification requirements shall apply:

| TYPE OF PERMIT | NOTIFICATION DEADLINE | | |
|---|-----------------------|------------------|------------------|
| | Twelve (12) days | Twenty (20) days | Thirty (30) days |
| USE PERMIT within the Residential, Agriculture and Open zoning districts | X | | |
| PROJECT DEVELOPMENT USE PERMIT pursuant to Section 8-20.6 of the County Code of Ordinances, as amended | X | | |
| VARIANCES involving height limitations pursuant to Section 8-21.5 | X | | |
| AMENDMENTS pursuant to Section 8-22.3(c) | X | | |
| SPECIAL PERMITS pursuant to Chapter 13 of the Planning Commission's Rules of Practice and Procedures | | X | |
| SPECIAL MANAGEMENT AREA USE PERMITS pursuant to Section 9.0 of the County of Kaua'i Special Management Area Rules and Regulations | | X | |
| SHORELINE SETBACK VARIANCES pursuant to Section 8-27.9(c) of the County Code of Ordinances, as amended | | | X |

Prior to the scheduled date of public hearing, the Applicant shall either hand deliver written notice to persons listed on the current Notice of Property Assessment Card File located at the Real Property Division of the Department of Finance of the County of Kaua'i, or mail, by certified mail, written notice to the addresses shown on such Notice of Property Assessment Cards for at least **eighty-five per cent (85%)** of all parcels of real property within **300 feet** from the nearest point of the premises involved in the application to the nearest point of the affected property. For each condominium project within the affected area, one notice of the hearing shall be sent addressed "To the Residents, Care of the Manager", followed by the name and address of the condominium involved. The notice shall include the following information and shall be in a form approved by the Planning Director:

1. Date;
2. Time;
3. Location;
4. Purpose; and
5. Description or sketch of property involved.

For SHORELINE SETBACK VARIANCES, the Applicant shall mail notices of public hearing by certified or registered mail, postage prepaid, to owners of real property which about the parcel that is the subject of the application. The notice shall include the information identified in the preceding paragraph noted above.

SUPPLEMENTAL INFORMATION

The following additional information shall be included in the public hearing notice:

| TYPE OF PERMIT | REQUIRED ADDITIONAL INFORMATION |
|-----------------|--|
| SPECIAL PERMITS | <ol style="list-style-type: none">1. Land area of proposed use; and2. A statement that persons may petition for intervention pursuant to Chapter 4 of the Planning Commission's Rules of Practice and Procedures, as amended. |

Attached for your information and use is a copy of the public hearing notice which may be transmitted to adjacent and abutting landowners. Any other public hearing notice that does not contain the information as noted in the enclosed public hearing notice must be reviewed and approved by the Director of Planning.


At least **seven (7)** days prior to the hearing date, the applicant shall file with the Planning Commission an affidavit as to the mailing or delivery of such notice and a list of persons to which such notices were sent.

Public Hearing Notification Procedures

Page | 3

Should the Applicant fail to submit the affidavit within the time required, the public hearing shall be postponed. In this case, the Planning Commission shall reschedule another hearing within sixty (60) days of the postponed hearing. The Applicant shall be required to pay for the republication costs and shall follow the same notice requirements of this paragraph in the renotification of affected persons.

PLEASE CONTACT THE PLANNING DEPARTMENT SHOULD YOU HAVE ANY QUESTIONS RELATIVE TO THE ABOVE NOTIFICATION REQUIREMENTS.



MICHAEL A. DAHILIG
Director of Planning

Encl.