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Attorneys for COUNTY OF KAUA'I
PLANNING DEPARTMENT

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A11-791
)	
HG KAUA'I JOINT VENTURE, LLC.)	COUNTY OF KAUAI PLANNING
)	DEPARTMENT'S WRITTEN TESTIMONY
To Amend the Land Use District Boundary of)	IN SUPPORT OF THE PETITION;
Certain Lands Situated at Kapa'a, Island of)	AMENDED WITNESS LIST; AMENDED
Kaua'i, State of Hawai'i, Consisting of)	EXHIBIT LIST; EXHIBITS A – E;
approximately 96 Acres, From the Agricultural)	CERTIFICATE OF SERVICE
Land Use District to the Urban Land Use)	
District, Kaua'i Tax Map Key 4-3-03: por. 01)	
_____)	

COUNTY OF KAUA'I PLANNING DEPARTMENT'S
WRITTEN TESTIMONY IN SUPPORT OF THE PETITION

The Planning Department, County of Kaua'i submits its comments and testimony in support of the Petition to reclassify approximately 96 acres of land at Kapa'a, Kaua'i and identified by TMK 4-3-03: 01 (portion) ("Petition Area") from its current State Land Use Agricultural District to the State Land Use Urban District.

BACKGROUND INFORMATION

Petitioner's Proposed Use of the Petition Area

1. As represented by the Petitioner, the Petitioner proposes to reclassify approximately 96 acres to develop the HoKua Place residential community that will involve approximately 683-multi-family units and 86-single family lots and homes.
2. Approximately 14.3-acres will be set aside for open space.
3. A 3.1-acre park may be located adjacent to the existing Kapa'a Middle School with an area set aside for the possible relocation of the County's Kapa'a swimming pool.
4. Commercial use may occur within 1.4-acres and another one-acre site on the makai side of the Kapa'a Bypass Road (south corner of Olohena Road and the Bypass Road) may be used for a police or fire substation or additional neighborhood commercial space.

Site Information

5. The Petition Area is 96 acres of a total of approximately 150 acres encompassing TMK No. 4-3-03: 01.

6. The Kaua'i Kakou, Kaua'i County General Plan, which was amended in 2018, designated the Petition Area as Neighborhood General, which is described as follows:

The Neighborhood General Designation applies to the watershed surrounding Neighborhood Centers. This designation is intended for medium intensity mixed-use environments that support the town core with housing, services, parks, civic/institutional, home occupation, and commercial uses. Buildings in this designation are mostly detached, with some attached, 1-2 stories in height that can accommodate a range of multi-family housing types.

7. The County Zoning designation for the Petition Area is Agriculture.
8. The Petition Area is directly makai of Olohena Road, known as the Kapa'a Bypass Road, and adjacent to Kapa'a Middle School.

SUMMARY DISCUSSION OF CONFORMITY WITH DECISION-MAKING CRITERIA FOR
BOUNDARY AMENDMENTS

9. Pursuant to Hawai'i Revised Statutes (HRS) §205-2, HRS §205-4, HRS §205-17, and Hawai'i Administrative Rules (HAR) §15-15-18, the following summarizes the County's comments regarding the Petition's conformity with the district standards, County General Plan, and other criteria that the Land Use Commission must consider in its decision of a district boundary amendment.

Compliance with County General Plan

10. The Petition Area's designation as Neighborhood General in the 2018 Kaua'i General Plan supports the reclassification to the State Land Use Urban District. Exhibit A reflects a map of the General Plan Designation for TMK No. 4-3-03: por. 01.

11. Under the 2018 General Plan, the Petition Area is foreseen as an area to accommodate residential growth. The description of the project's proposed uses currently includes "housing, services, parks, civic/institutional . . . and commercial uses," which generally furthers the vision for types of uses in the Neighborhood General designation.

12. Pursuant to its inclusion in the Neighborhood General designation, the Petition area is within the "walkshed," or within a distance of a quarter mile and a roughly 10-minute walk of the town core. Actually, the Petition Area is closer to a 5-minute walk from Kapa'a Town, which is designated as Neighborhood Center.

13. The East Kaua'i section under "Community Planning" explained that the "previous Urban Center designation [in the 2000 General Plan was] changed to Neighborhood General, which will require a mix of residential building types and a walkable, compact form where connectivity to the school and Kapa'a Town is emphasized." The project uses are generally consistent with this designation change.

14. The Petition Area and general project description are consistent with the General Plan's vision for growth management. Under the General Plan's Housing Sector that discussed "New Communities," the policies acknowledged that new communities are "needed to accommodate future growth" and "[e]ven though infill development is prioritized, there is not enough residential zoning capacity to accommodate projected housing demand." The General Plan's policies and actions including those described for the Neighborhood General designation, therefore, "guide where and how these new communities will develop."

15. Other policies described in other designations in the General Plan acknowledged that growth should be directed to areas designated as Neighborhood Center and Neighborhood General. For instance, the Residential Community designation explained that "the majority of future residential needs are directed to the existing and proposed Neighborhood Center and Neighborhood General designations." Similarly, the Urban Center designation explained that the area adjacent to Kapa'a Middle School was removed from the Urban Center designation and replaced with Neighborhood General to manage growth north of the Wailua Bridge and address Wailua-Kapa'a Traffic.

16. The project description and its proximity to Kapa'a Town have the potential to further the vision for new communities located adjacent to existing towns that was described in "Directing How Kaua'i Grows" under "2.0 Future Land Use Maps." With some amendment, the Project may "support housing for locals, include a range of civic space, and to further the County's multimodal transportation goals."

17. Implementing the General Plan's Future Land Use Map, including the Petition Area's Neighborhood General Designation, is an important element in the State and County's land use and regulatory planning system to support the island's inevitable growth. "Directing

How Kaua'i Grows" under "2.0 Future Land Use Maps" further explained that "[u]pdated population projections determined the extent of new growth areas, while sea level rise and other technical planning information directed whether or not certain areas are appropriate for development." The Future Land Use Map represents the development pattern needed to accommodate projected growth and support the vision and goals during the General Plan's planning horizon.

18. Despite the overall preference for infill development in existing towns, a new community at the Petition Area may be important due to flood zone and tsunami zone concerns in Kapa'a Town. Background on Kapa'a Town in the East Kaua'i section under "Community Planning" stated:

Another concern is that much of Kapa'a Town is within tsunami evacuation and flood zones. Sea level rise projections show that much of the area could be inundated if SLR reaches 3 feet, as is currently anticipated by the year 2100. These considerations raise further questions about how much growth should be encouraged and accommodated within the Kapa'a-Wailua corridor.

19. Although within the watershed of Kapa'a Town, the Petition Area has a low-to-moderate risk of flooding and out of the maximum 3.2 feet SLR-XA area. In addition, the Petition Area is also located along the Kapa'a Bypass Road. Thus, a new community in this area may be important to accommodate East Kaua'i's projected housing needs now and in the foreseeable future.

20. Finally, the General Plan was adopted with the Petition Area designated as Neighborhood General based on an "in-depth public and technical process, and specific changes were based on community input obtained through visioning workshops, community meetings, and stakeholder consultation." The reclassification is the initial step toward implementing this vision.

Conformity with Applicable District Standards

21. The Petition Area is adjacent to lands along the coastline that includes Kapa'a Town, which are currently within the State Land Use Urban District. The Petition Area's inclusion in the State Land Use Urban District would connect it with this contiguous land area.

22. The Petition Area was designated as "Urban Center" in the 2000 General Plan and designated as "Neighborhood General" in the 2018 General Plan. These designations indicate that the Petition Area has been and currently remains foreseeable as an area to accommodate urban growth.

23. The Petition Area is within a 10-mile radius of Kapa'a Town, which can be characterized as a "center of trading and employment."

24. The County's comments regarding the availability of basic services are as follows:

- a. Wastewater. The Wailua Wastewater Treatment Plant (WWTP) was designed to handle 1.5 million gallons per day (MGD) of effluent. However, one of the WWTP's process units is currently offline. As a result, the Wailua WWTP's capacity is decreased to 1 MGD.

The average daily flows prior to the COVID-19 pandemic emergency were approximately 0.6 MGD or 60% capacity of the Wailua WWTP. The remaining capacity is either already allocated or may be allocated for new development projects as sewer service agreements are executed and sewer connections fees are paid. The remaining capacity of the Wailua WWTP depends on the timing of new developments.

For instance, there is one development, Coco Palms, that will be served by the Wailua WWTP. Several building permits for this development have already been approved. Coco Palms will produce up to 0.14 MGD on average. As a result, when Coco Palms is fully developed, the Wailua WWTP will be at approximately 74% capacity. Additionally, there are smaller projects, including individual residential and commercial properties, that are applying for sewer service. This is an ongoing process.

The Coconut Beach Resort recently rescinded their building permits and will no longer be served by the Wailua WWTP. The Coconut Beach Resort would have

produced approximately 0.13 MGD. Any future development of this property will require the developer to apply for sewer service.

The Division is currently working on two capital improvement projects (CIPs) that will increase the capacity of the Wailua WWTP to the original average daily design flow of 1.5 MGD. The first project will upgrade the secondary and tertiary treatment and the electrical system. The second project will add primary treatment. It is anticipated that both projects will be completed with construction in the winter of 2024. An environmental assessment (EA) is also being performed for these projects.

Although municipal sewer service is usually the preferred option for most developments, it is not the only option for a development to handle its wastewater. Other options include building a private wastewater treatment plant to service the development or installing individual wastewater systems (IWSs). Approval for either of these options will be coordinated with the State of Hawai'i Department of Health, not the County of Kaua'i.

At a minimum, the development of any private WWTP must comply with Hawaii Revised Statutes Chapter 343, which requires an environmental impact statement (EIS) for any "[w]astewater treatment unit, except an individual wastewater system or a wastewater treatment unit serving fewer than fifty single-family dwellings or the equivalent." Additionally, any private WWTP or IWS must comply with Hawaii Administrative Rules Title 11 Chapter 62, Wastewater Systems.

If a development is in close proximity to a County sewer collection system but there is no capacity available at the County treatment plant and it is unlikely that the system will be increased within the timeline of the development. A possible option would be for the developer to invest in the projects needed to increase the capacity of a County system. An agreement could be made with the County that would include reserving a specific amount of capacity as part of the investment.

- b. Solid Waste Disposal. Solid waste pickup service could be available for the proposed single-family homes with an executed service agreement and the payment of monthly fees. However, the multi-family homes (4-plex) would need to be serviced by private haulers because the County does not service multi-family dwellings. Private service for multi-family was discussed in the FEIS.

An Integrated Solid Waste Management Plan for the Project's construction and ongoing operation must be approved by the County of Kaua'i Department of Public Works, Solid Waste Division prior to subdivision and building permit approval. The Integrated Solid Waste Management Plan will require additional detail on the Project's waste diversion plans to mitigate refuse collection and landfill capacity impacts.

- c. Drainage. As noted in the FEIS, stormwater runoff cannot exceed the pre-development conditions, per County of Kaua'i requirements. In addition, it is recommended that the project incorporate green infrastructure to enhance natural filtration and percolation of stormwater.
- d. Transportation Systems. The project is bounded by Olohena Road to the east and north and the Kapa'a Bypass Road to the east and south. The Kaua'i Bus operates in the vicinity, with a bus stop hub at the Bryan J. Baptiste Sports Complex serving both the Kapahi Shuttle and mainline Hanalei-Lihue routes. While within easy walking and biking distance of the commercial core of Kapa'a town and Ke Ala Hele Makalae (the coastal shared use path), the walking and biking infrastructure connecting the site to the town core is currently lacking. From a transportation perspective, the greatest concern is the Project's potential impact on the already-congested regional transportation road network including the temporary bypass and Kūhiō Highway.

Coastal Zone Management Objectives and Policies, Section 205A-2, HRS

25. The Petition Area is outside of the Special Management Area (SMA). Exhibit B reflects the Petition Area in relation to the SMA.

26. The Petition Area is outside is maximum 3.2 feet Sea Level Rise Exposure Area (SLR-XA), which modeled separate and cumulative sea level rise impacts due to passive flooding, annual high wave flooding, and coastal erosion. Exhibit C reflects the Petition Area in relation to the SLR-XA area at 3.2 feet of SLR.

27. Under the Federal Emergency Management Agency Flood Insurance Rate Map, the Petition Area is in Flood Zone X with low-to-moderate risk of flood and outside the 100-year floodplain. Exhibit D is a map of the FEMA Flood Insurance Rate Maps, which shows the Petition Area in Flood Zone X.

Agricultural Suitability or Lands Qualifying as Important Agricultural Lands

28. Under the Agricultural Lands of Importance to the State of Hawai'i (ALISH) classification system, much of the Petition Area was classified as "Prime Agricultural Lands." Prime Agricultural Lands was described under the ALISH classification system as:

... [L]and best suited for the production of food, feed, forage, and fiber crops. This class of land has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed (including water management) according to modern farming methods. Prime agricultural land gives the highest yields with the lowest inputs of energy or money and with the least damage to the environment.

29. Pursuant to the Kaua'i Important Agricultural Lands (IAL) Study dated July 2015, the Petition Area contained no land that met the IAL Criteria with a threshold score of 28 points and above, which would "sufficiently" meet all eight criteria of IAL. Exhibit E reflects the Petition Area in relation to lands that met the IAL Criteria.

DISCUSSION OF COUNTY CONCERNS

30. The following summarizes the County's comments and concerns on the Project.

Traffic

31. An updated Traffic Impact Analysis Report (TIAR) or TIARs must be done prior to the County's zoning district boundary amendment, subdivision approvals, and zoning permit approvals.

32. The "updated" TIAR that was included in the Final Environmental Impact Statement (FEIS) recommended traffic improvements that are required to mitigate the traffic impacts with and without the proposed Project. However, four of the seven "Recommendations Without Project" should be excluded from the analysis because they are either not achievable or will have little to no impact to mitigate traffic impacts despite being achievable.

33. For instance, the following "Recommendations Without Project" are not achievable:

3. Restripe parking and shoulder lanes on Kuhio Highway through Kapa'a Town to provide additional through and/or left-turn lanes.

7. Extend the median refuge lane/two-way left-turn lane on the north leg of Kuhio Highway at Lehua Street.

34. The County of Kaua'i previously objected to the "Recommendation Without Project" to "[r]estripe parking and shoulder lanes on Kuhio Highway through Kapa'a Town to provide additional through and/or left-turn lanes" in the Draft EIS and specifically asked that the recommendation be omitted as "detrimental to businesses and the economic vitality of Kapaa Town." However, the recommendation remained in the updated TIAR and FEIS.

35. Restriping the parking and shoulder lanes on Kuhio Highway through Kapa'a Town would have severe economic consequences for commercial activity and would create significant safety concerns for all roadway users, especially pedestrians.

36. The "Recommendation Without Project" to "extend the median refuge lane/two-way left-turn lane on the north leg of Kuhio Highway at Lehua Street" is not feasible because extending the turn lane through the existing pedestrian crossing north of the intersection would set up a "multiple-threat" crash hazard for pedestrians, which is a significant safety concern for pedestrians.

37. The following "Recommendations Without Project" are achievable but will have little benefit toward mitigating traffic impacts:

2. Restripe the median on the north leg of Kuhio Highway at the Kapa'a Bypass Road (South Junction) to provide a median refuge lane.
5. Add a right-turn bypass lane from southbound Kapa'a Bypass Road to mauka bound Olohena Road at their roundabout intersection.

38. Restriping "the median on the north leg of Kuhio Highway at the Kapa'a Bypass Road (South Junction) to provide a median refuge lane" may be an achievable recommendation.

However, there are few left-turn movements from the bypass to Kuhio Highway compared to right-turn movements. Therefore, the recommendation would have little effect to ease traffic.

39. Adding “a right-turn bypass lane from southbound Kapa`a Bypass Road to mauka bound Olohena Road at the roundabout intersection” may also be achievable. However, any benefit without the Project would be reduced if a new road is constructed through the Project.

40. These required omissions from the “Recommendations Without Project” will necessitate adjustments to the “Recommendations With Project” that must be made prior to County zoning and subdivision approvals.

41. In addition, the County still has concerns about the proposed location and traffic control of the intersection of Road A with Olohena Road at the mauka end of the Kapaa Middle School. The one-way stop control T-intersection proposed will not address traffic operations and safety concerns. In addition, the added congestion during the school’s rush hours caused by the intersection’s location adjacent to Kapa`a Middle School will further exacerbate localized traffic.

42. The County will require an updated TIAR that analyzes the inclusion of a roundabout at the intersection of Road A and Olohena Road, which includes an analysis of capacity, level of service, and safety.

43. Also, the County will require that the updated TIAR analyze the possible realignment of the intersection of Road A to the intersection of Kaapuni Road and Olohena Road.

44. In addition, the updated TIAR must analyze additional multi-modal transportation options, including pedestrian and bicyclist connectivity along with other recommendations regarding traffic improvements.

45. One key Hawai'i Department of Transportation ("HDOT") project is the addition of a 4th lane on Kuhio Highway from Kapa'a Bypass road to Kuamoo Road, which will be constructed soon. However, an updated TIAR should evaluate the Project without other Kapa'a Transportation Solution projects that are not yet scheduled or funded. These include adding a northbound lane of the Kapa'a Bypass Road to make the bypass two-way, adding a roundabout at the north intersection of the Bypass with Kuhio Highway, providing a connection between the Bypass and Hau'a'ala Road, and closing the access of Hau'a'ala Road to Kuhio Highway. In addition, as noted previously, the updated TIAR should not consider restriping Kuhio Highway through Kapa'a Town to add travel lanes and remove parking lanes.

46. As stated in the General Plan's East Kaua'i section, "Kapa'a Town's future growth pattern depends largely upon the intensity of implementation related to key community policy regarding traffic north of the Wailua Bridge."

47. Recommendations for permitting and code changes to implement overall policies related to Transportation include:

1. Coordinate land use planning with transportation to minimize the impact of growth on congestion, improve walkability in town centers, revitalize commercial areas, and enhance mobility in places where people live, work, learn, and play.
2. Require that transportation impact analysis reports and other traffic studies analyze a project's potential to encourage mode shift.

48. Thus, an additional and updated TIAR is minimally required to analyze regional traffic conditions and impacts caused by the Project and inform any required off-site and on-site traffic mitigation measures that are appropriate.

49. In addition, an updated TIAR without regional transportation projects that are infeasible or are not yet scheduled or funded may lead to the conclusion that this application should be phased incrementally dependent on regional transportation projects being completed.

Multimodal Transportation

50. The Project's conceptual plans do not reflect the furtherance of the General Plan's vision related to transportation detailed in the Future Land Use, Community Planning's East Kaua'i Section, and Transportation Sector. Aside from designing mitigation based on the TIAR, implementing the transportation policies detailed in the General Plan would help to ease local traffic and some regional traffic congestion.

51. The General Plan's Transportation Sector emphasized "managing congestion through a combination of smaller, quicker roadway projects, shift some trips away from SOVs to other modes (transit, walking, and biking)" instead of "adding capacity for motor vehicles through widening existing roads and building new roads."

52. Among other goals and actions to inform future community planning processes to implement East Kaua'i land use policies include:

- I. GOAL: Accommodate East Kaua'i's projected housing needs . . .
3. Design new communities to be walkable, compact, and connected to Kapa'a Town.
4. The build-out phasing of new communities should be coordinated with the implementation of priority projects in the Kapa'a Transportation Solutions Plan. . . .
- VI. GOAL: Increase connectivity from the town to recreation and residential areas along Kukui/Olohena Road.
- A. IMPROVE PEDESTRIAN, BICYCLE, AND TRANSIT CONNECTIVITY . . .

3. Ensure new communities support the County's mode shift goals and improve vehicular and pedestrian connectivity to parks, schools, and Kapa'a Town.

53. To implement the vision for new communities and further "Designing Communities for Equity and Health," the project must be designed to "further the goals of sustainability, equity, and opportunity . . . [which] means that zoning and subdivision approvals for new communities must support multiple transportation options and provide shared space for a range of household types."

54. This policy further states the following:

New communities should be walkable, built with a pattern where one can live with limited reliance on the automobile, conducive to destination walking and cycling, and with access to transit and shared spaces. Walkable areas are largely supported through a network of interconnected, tree-lined streets, a diversity of housing choices, and a mix of appropriate commercial and residential uses in a compact form. This type of compact design supports public transit and ultimately reduces infrastructure and service delivery costs to the County over the long-term.

55. The Petition states that the project includes a "multi-modal main roadway through HoKua Farm Lots and the Project [and] will include bus stops, sidewalks and a bicycle and walking path connecting from Olohena Road adjacent to Kapa'a Middle School through the Project to the Kapa'a Bypass Road, facilitating sustainable travel to and from Kapa'a Town." However, the project's conceptual plans do not reflect a mode shift from single occupancy vehicles (SOVs), multi-modal roadways, or pedestrian, bicycle, and transit connectivity. While bus routes may be changed in the future, it is also unclear at this time which route(s) would be served by bus stops along this roadway. Bicycle and pedestrian connections to the existing bus hub at Bryan J. Baptiste Sports Complex are also needed.

56. "To provide connected and convenient pedestrian facilities in communities," the Project must support a pedestrian program throughout the development, especially surrounding

Kapa'a Middle School. In addition, the creation of "connected and safe bicycle networks that accommodate all riders" should be considered.

57. In addition to conformance with the General Plan's multi-modal transportation policies, the Project must meet all minimum subdivision and zoning requirements at the subdivision and zoning permit phases of the approval process, including the minimum street design requirements under the Subdivision Code.

58. Specifically, under Kaua'i County Code (KCC) §9-2.3, the street design must "accommodate multi-modal circulation networks and travel by bicyclists, public transportation vehicles and their passengers, and pedestrians of all ages and abilities, taking into account local context and sensitivity to community character." KCC §9-2.3(e)(3) will impose minimum requirements for curbs, gutters, and sidewalks. KCC §9-2.11 will impose maximum block lengths and minimum requirements for pedestrian ways within blocks.

59. At the time of subdivision, the County will consider several conditions to encourage multi-modal transportation within the development. For instance, the County may require a sidewalk on at least one side of Kapaa Bypass and Olohena Road that connects to the side entrance of Kapaa Middle School. The County will also consider requiring a shared-use path instead of a bike path along the makai end of the Project.

Housing Type and Development Design

60. The Project's conceptual plans do not reflect the furtherance of the General Plan's vision related to housing and managing growth detailed in the Future Land Use, Community Planning's East Kaua'i Section, and Housing Sector.

61. For instance, the current proposal does not provide a range of multi-family housing types, nor does it further the guidance and vision for projects in Neighborhood General,

which includes buildings that are “mostly detached, with some attached, 1-2 stories in height that can accommodate a range of multi-family housing types.”

62. Among other goals and actions to inform future community planning processes to implement East Kauaʻi land use policies include:

1. GOAL: Accommodate East Kauaʻi’s projected housing needs . . .
2. In new communities, ensure the majority of units are “missing middle housing” and affordable by design.

63. Among other goals and recommendations for permitting and code changes to implement the policies under “New Communities” include the following:

3. Substantially increase the amount of market rate multi-family and “missing middle” housing on Kauaʻi by requiring housing type diversity in all new subdivisions.
4. Increase opportunities for moderate- and low-income households to become homeowners by providing a range of housing types.
5. Build housing in proximity to jobs, parks, community resources, and services.
6. Ensure subdivisions are designed to support housing type diversity, maximize density, provide safe pedestrian/bicycle connections, and slow speed on roads.

64. Whether at the State Land Use District amendment level, or at the County rezoning, subdivision, or permitting phase of the approval process, the Department will seek to implement the General Plan guidance for growth management in East Kauaʻi by encouraging medium intensity residential neighborhood, a mix of residential building types, and a walkable, compact form, as well as other housing and transportation goals.

65. Refining the design and housing types for the project may occur prior to subsequent land use permits and approvals. However, the General Plan goals will be paramount in the county’s review of any subsequent county rezoning actions, and subdivision, and zoning permit reviews.

66. Aside from conformance with the General Plan, the project must be updated to comply with the minimum workforce housing requirements under KCC Chapter 7A, which was recently amended by Ordinance 1081.

Other County Concerns

67. Coordination with respective county agencies regarding the Petition's proposal to reserve a location for the Kapa'a county swimming pool, as well as locating police or fire substations on the property, is required at the earliest opportunity.

CONCLUSION

Based on our preliminary assessment of the Project under the Commission's decision-making criteria, the Planning Department provides its comments and testimony in support of the proposed reclassification to the State Land Use Urban District. This written testimony is based on the information presented and available in the Petition, documents filed in these proceedings, and comments from County agencies. This written testimony offers general comments and may not address all concerns of the County of Kaua'i Planning Department on behalf of the County of Kaua'i.

DATED: Līhu'e, Hawai'i, February 10, 2021



Jodi Higuchi Sayegusa
Deputy Planning Director
County of Kaua'i Planning Department

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

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Agricultural Land Use District to the Urban) Time: _____
Land Use District, Kaua'i Tax Map Key 4-3-)
03: por. 01)
_____)

AMENDED WITNESS LIST

COUNTY OF KAUA'I PLANNING DEPARTMENT ("Planning Department") by and
through its undersigned attorneys, respectfully submits its Amended Witness List.

The Planning Department intends to call the following individuals as witnesses at the
March 10, 2021 and March 11, 2021 hearing:

	WITNESS	POSSIBLE AREAS OF KNOWLEDGE
1	Jodi Higuchi Sayegusa, Deputy Director, Planning Department, County of Kaua'i or Representative	Witness could testify concerning zoning and district designations, the County of Kaua'i General Plan, and other pertinent information relative to the position of the County of Kaua'i Planning Department.

2	Kaaina Hull, Director, Planning Department, County of Kaua'i or Representative	Witness could testify concerning zoning and district designations, the County of Kaua'i General Plan, and other pertinent information relative to the position of the County of Kaua'i Planning Department.
3	Marie Williams, Head of Long Range Division, Planning Department, County of Kaua'i or Representative	Witness could testify concerning zoning and district designations, the County of Kaua'i General Plan, and other pertinent information relative to the position of the County of Kaua'i Planning Department.
4	Michael Moule, Chief, Engineering Division, Department of Public Works, County of Kaua'i or Representative	Witness could testify concerning local traffic impacts, street design, runoff, and other pertinent information within the jurisdiction of the Engineering Division, Department of Public Works.
5	Jason Kagimoto, Chief, Wastewater Division, Department of Public Works, County of Kaua'i or Representative	Witness could testify concerning capacity of the wastewater systems in area of the proposed development, and other pertinent information within the jurisdiction of the Wastewater Division, Department of Public Works, County of Kaua'i.
6	Adam Roversi, Director, Kaua'i Housing Agency, County of Kaua'i or Representative	Witness could testify regarding Kaua'i's housing needs and other pertinent information within the jurisdiction of the Housing Agency, County of Kaua'i.
7	Michael Hinazumi, Head of Engineering Division, Department of Water, County of Kaua'i or Representative	Witness could testify regarding Kaua'i County's water services and other pertinent information within the jurisdiction of the Department of Water, County of Kaua'i

The Planning Department reserves the right to amend, modify, and revise the list as discovery progresses.

DATED: Līhu'e, Kaua'i, Hawai'i, February 10, 2021.

MATTHEW M. BRACKEN
County Attorney

By 
CHRIS DONAHOE
Deputy County Attorney

Attorneys for COUNTY OF KAUA'I
PLANNING DEPARTMENT

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AMENDED EXHIBIT LIST

COUNTY OF KAUA'I PLANNING DEPARTMENT ("Planning Department") by and
through its undersigned attorneys, respectfully submits its Amended Exhibit List containing
Exhibits A - E.


EXHIBIT NO.	DESCRIPTION OF EXHIBIT
A	Map of General Plan Designation for TMK No. 4-3-03: por. 01
B	Map of Special Management Area in relation to TMK No. 4-3-03: por. 01
C	Map of Sea Level Rise Exposure Area (SLR-XA) in relation to TMK No. 4-3-03: por. 01
D	FEMA Firm Map for TMK No. 4-3-03: por. 01

E	Important Agricultural Land Map for TMK No. 4-3-03: por. 01
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The Planning Department reserves the right to unilaterally amend and/or supplement its Amended Exhibit List, if any, find inadvertent omissions or errors have been made or if additional or more accurate information becomes available.

DATED: Līhu'e, Kaua'i, Hawai'i, February 10, 2021.

MATTHEW M. BRACKEN
County Attorney

By 
CHRIS DONAHOE
Deputy County Attorney

Attorneys for COUNTY OF KAUA'I
PLANNING DEPARTMENT

Map of (4) 4-3-003:001 Showing General Plan Designations

Kapa'a, East Kaua'i Planning District
Owner, HG Kaua'i Joint Venture LLC
Approximately 164 acres



0 250 500 1,000 Feet

Roads (2015 CoK/NavTec)

TMK (4) 4-3-003:001
a.k.a., "Hokua Place" (2020 CoK)

Portion of TMK (4) 4-3-003:001,
Project Area (2021 CoK)

Satellite Maps (2021 Bing Hybrid)

2018 Kaua'i General Plan Designation
Natural

Agricultural

Residential Community

Neighborhood General

Neighborhood Center

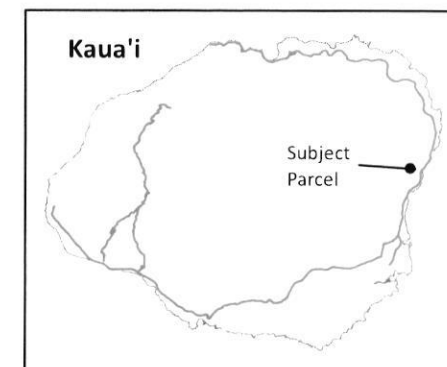
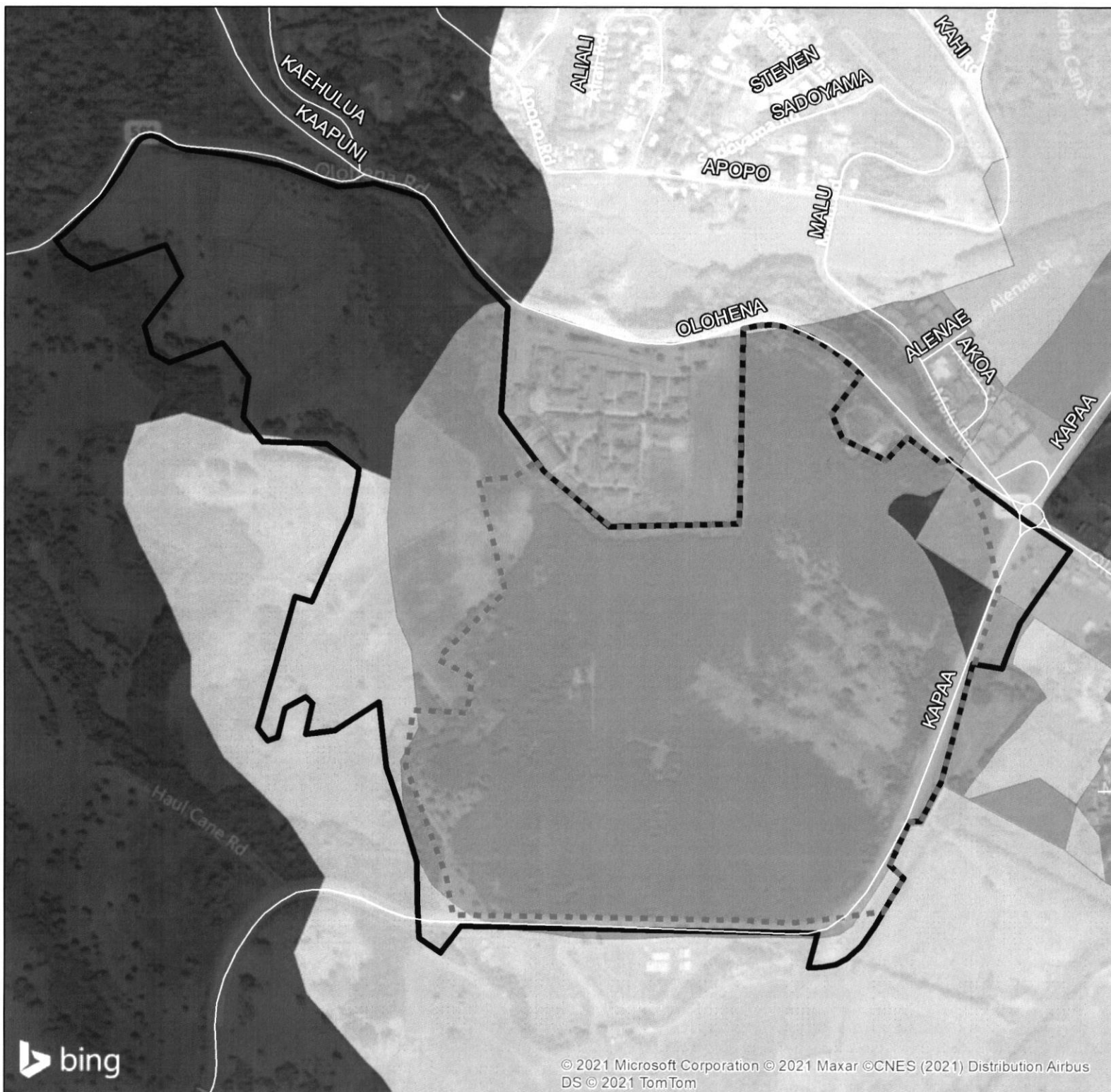
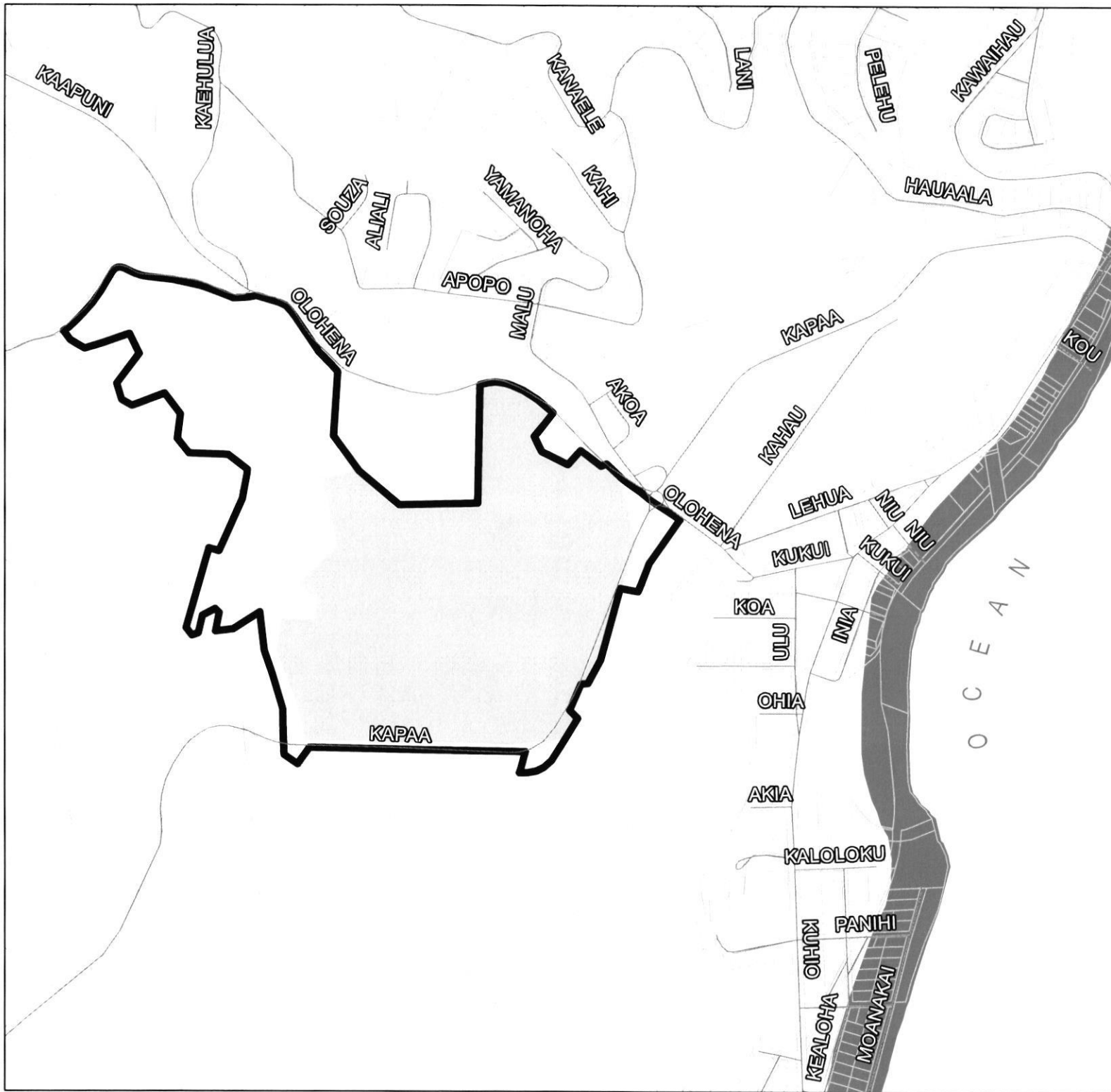


Exhibit A.
General Plan Designation





Map of (4) 4-3-003:001 Showing Special Management Area (SMA)

Kapa'a, East Kaua'i Planning District
Owner, HG Kaua'i Joint Venture LLC
Approximately 164 acres



0 375 750 1,500 Feet

- Roads (2015 CoK/NavTec)
- Tax Map Key (2020 CoK)
- TMK (4) 4-3-003:001
a.k.a., "Hokua Place" (2020 CoK)
- Portion of TMK (4) 4-3-003:001,
Project Area (2021 CoK)
- SMA (2018 CoK)

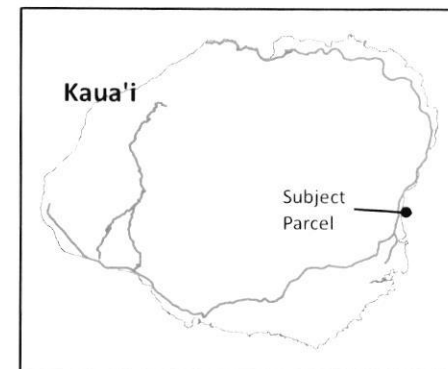
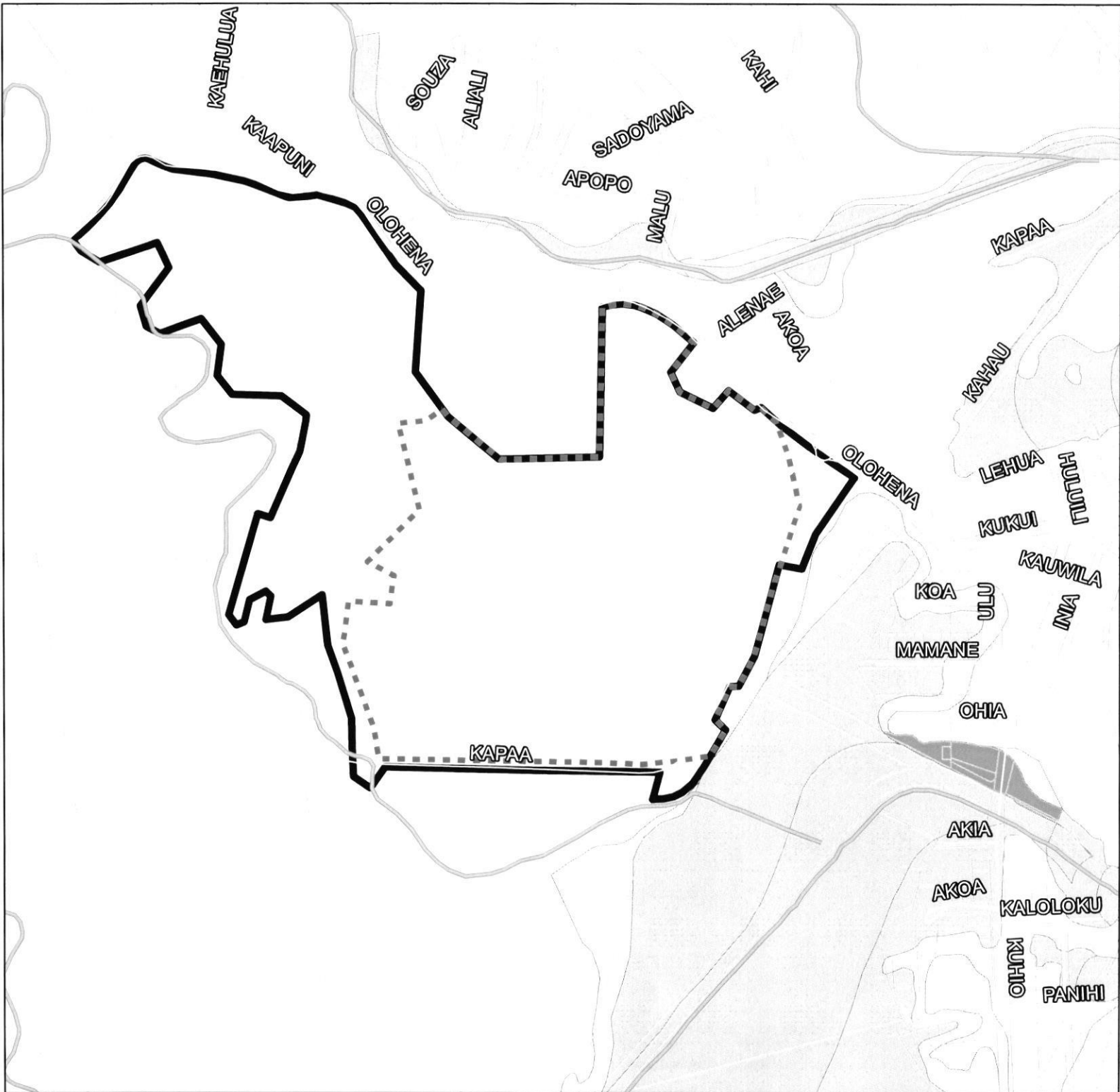


Exhibit B.
Special Management Area



Map of (4) 4-3-003:001 Showing FEMA Flood Insurance Rate Maps (FIRM)

Kapa'a, East Kaua'i Planning District
Owner, HG Kaua'i Joint Venture LLC
Approximately 164 acres



0 375 750 1,500 Feet

- Roads (2015 CoK/NavTec)
- Streams (1983 DLNR DAR)
- Portion of TMK (4) 4-3-003:001, Project Area (2021 COK)
- Tax Map Key (2020 CoK)
- TMK (4) 4-3-003:001 a.k.a., "Hokua Place" (2020 CoK)
- Flood Zone (2016 FEMA FIRM)
 - AE
 - D
 - X

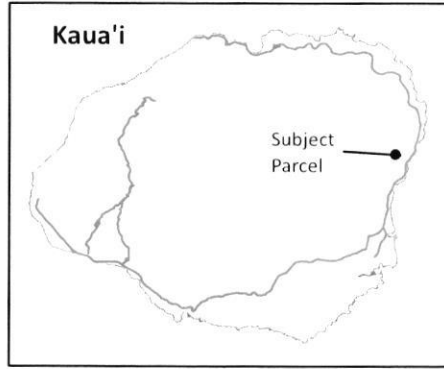


Exhibit D.
FEMA FIRM



**Map of (4) 4-3-003:001
Showing Areas That Meet
*Criteria for Important
Agricultural Land
(HRS § 205-45)**

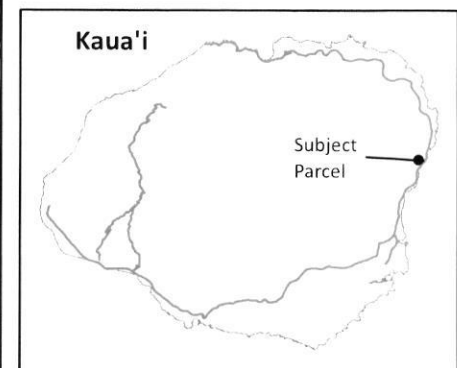
Kapa'a, East Kaua'i Planning District
Owner, HG Kaua'i Joint Venture LLC
Approximately 164 acres



0 250 500 1,000 Feet

- Roads (2015 CoK/NavTec)
- TMK (4) 4-3-003:001
a.k.a., "Hokua Place" (2020 CoK)
- Portion of TMK (4) 4-3-003:001,
Project Area (2021 COK)
- *Meets IAL Criteria
- Satellite Maps (2021 Bing Hybrid)

**Agricultural lands with a threshold score of 28 points and above "sufficiently" meet all eight criteria of Important Agricultural Lands (Act 183 SLH 2005), as operationalized during the Kaua'i IAL Study process (2009-2015).*



**Exhibit E.
IAL Criteria**

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A11-791
)	
HG KAUA'I JOINT VENTURE, LLC.)	
)	CERTIFICATE OF SERVICE
To Amend the Land Use District Boundary of)	
Certain Lands Situated at Kapaa, Island of)	
Kaua'i, State of Hawai'i. Consisting of)	
approximately 96 Acres, From the)	
Agricultural Land Use District to the Urban)	
Land Use District, Kaua'i Tax Map Key 4-3-)	
03: por. 01)	
_____)	

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 February 10, 2021:

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Honolulu, Hawai'i 96804-2359

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Honolulu, Hawai'i 96837
Attorney for Intervener – Liko-O-Kalani-Martin

DATED: Līhu'e, Kaua'i, Hawai'i, February 10, 2021.

MATTHEW M. BRACKEN
County Attorney

By 
CHRIS DONAHOE
Deputy County Attorney

Attorneys for COUNTY OF KAUAI
PLANNING DEPARTMENT