

ORIGINAL

CADES SCHUTTE
A Limited Liability Law Partnership

CALVERT G. CHIPCHASE 7757
CHRISTOPHER T. GOODIN 8562
STACEY F. GRAY 11125
MOLLY A. OLDS 11330
Cades Schutte Building
1000 Bishop Street, Suite 1200
Honolulu, HI 96813-4212
Telephone: (808) 521-9200
Fax: (808) 521-9210
Email: cchipchase@cades.com
cgoodin@cades.com
sgray@cades.com
molds@cades.com

RECEIVED
OCT 07 2021
STATE OF HAWAII
LAND USE COMMISSION

Attorneys for Petitioner
PŪLAMA LĀNAʻI

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNAʻI,

To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 56.436
acres of land, consisting of a portion of
Tax Map Key No. (2) 4-9-002:061 (por.)
and (2) 4-9-014:001 (por.) at Lānaʻi City,
Island of Lānaʻi, County of Maui, State
of Hawaiʻi.

DOCKET NO. A21-810

**AFFIDAVIT OF PUBLICATION OF
NOTICE OF INTENT TO FILE A
LAND USE DISTRICT BOUNDARY
AMENDMENT PETITION;
EXHIBITS 1-2**

CERTIFICATE OF SERVICE

**AFFIDAVITS OF PUBLICATION OF NOTICE OF INTENT TO FILE
A LAND USE DISTRICT BOUNDARY AMENDMENT PETITION**

CADES SHUTTE, LLP submits the following AFFIDAVITS OF PUBLICATION
of Lisa Sakakida Oahu Publications, Inc., publisher of The Honolulu Star
Advertiser, attached as Exhibit 1; and AFFIDAVIT OF PUBLICATION of Kara

Durr with Maui Publishing Co., Ltd., publisher of The Maui News, newspapers of general circulation within the State of Hawai'i and County of Maui. *See* Exhibit 1 (Affidavit of Lisa Sakakida); Exhibit 2 (Affidavit of Kara Durr). These affidavits are submitted to comply with the requirements of Section 15-15-97(b)(5), Hawai'i Administrative Rules, as amended, regarding the request of Petitioner LĀNA'I RESORTS, LLC dba Pūlama Lāna'i, a limited liability company, to amend the Agricultural Land Use District Boundaries into the Urban Land Use District for approximately 56.436 acres of land, consisting of a portion of Tax Map Key No. (2) 4-9-002:061 (por.) and (2) 4-9-014:001 (por.) at Lāna'i City, Island of Lāna'i, County of Maui, State of Hawai'i. This affidavit supplements the Affidavit of Christopher T. Goodin Attesting to Publication of the Notice of Intent to File a Land Use District Boundary Amendment Petition, filed August 19, 2021.

DATED: Honolulu, Hawai'i, October 7, 2021.

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in cursive script, appearing to read "Chris Goodin", written over a horizontal line.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS

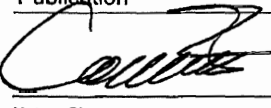
Attorneys for Petitioner
PŪLAMA LĀNA'I


Exhibit 1

AFFIDAVIT OF PUBLICATION

**IN THE MATTER OF
NOTICE OF INTENT TO FILE A LAND USE
DISTRICT BOUNDARY AMENDMENT PETITION**

STATE OF HAWAII)
) SS.
City and County of Honolulu)

Doc. Date:	<u>AUG 19 2021</u>	# Pages:	<u>1</u>
Notary Name:	<u>COLLEEN E. SORANAKA</u>	First Judicial Circuit	
Doc. Description:	<u>Affidavit of Publication</u>		
	<u>AUG 19 2021</u>		
Notary Signature	Date		



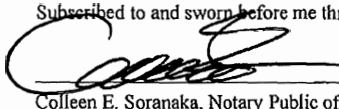
Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser	<u>1</u>	times on:
08/19/2021		
MidWeek	<u>0</u>	times on:
The Garden Island	<u>0</u>	times on:
Hawaii Tribune-Herald	<u>0</u>	times on:
West Hawaii Today	<u>0</u>	times on:
Other Publications:	<u>0</u>	times on:

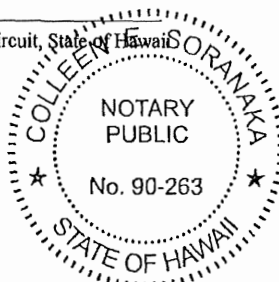
And that affiant is not a party to or in any way interested in the above entitled matter.

Lisa Sakakida

Subscribed to and sworn before me this 19th day of August A.D. 20 21


Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires Jan 06 2024

Ad # 0001338610



**NOTICE OF INTENT TO FILE A LAND USE DISTRICT BOUNDARY
AMENDMENT PETITION**

NOTICE IS HEREBY GIVEN that Petitioner, LANAI RESORTS, LLC dba Pulama Lana'i ("Petitioner"), by and through its attorneys, CADES SCHUTTE LLP, intends to file a Land Use District Boundary Amendment Petition with the Land Use Commission of the State of Hawaii on October 18, 2021, as provided for in Sections 205-4 and 201H-38, Hawaii Revised Statutes ("HRS"), as amended, and Section 15-15-97(b) of the Hawaii Administrative Rules ("HAR"), Title 15, Subtitle 3, Chapter 15, Subchapter 13, as amended.

I. IDENTIFICATION OF PETITIONER

LANAI RESORTS, LLC dba Pulama Lana'i
733 Bishop Street, Suite 1500
Honolulu, Hawaii 96813

II. PETITIONER'S PROPERTY INTEREST AND TAX MAP KEY NO.

The subject property is comprised of portions of three separate parcels identified as Tax Map Key Nos. (2) 4-9-002:061 (por.); (2) 4-9-014:001 (por.); and (2) 4-9-014:009 (por.) (together, the "Petition Area"). Petitioner is the sole fee owner of each of these parcels.

III. PROPOSED RECLASSIFICATION

Petitioner requests to reclassify the Petition Area from the State Land Use Agricultural District to the State Land Use Urban District.

IV. LOCATION

The Petition Area is located in Lana'i City, Lana'i Island, County of Maui, State of Hawaii.

V. ACREAGE

The Petition Area consists of approximately 76 acres.

VI. EXISTING LAND USE

The Petition Area is largely vacant. Most of the Petition Area consists of abandoned pineapple fields. A portion of the Petition Area is a graded yard used to store shipping containers. Historically, a Maui Electric Company Power plant—now demolished—was also located within the Petition Area. The land has lain fallow for decades with no plans forwarded for replanting with any crop.

VII. PROJECT DESCRIPTION

Petitioner proposes a sustainable residential development to repurpose and revitalize the Petition Area to provide affordable, desirable homes for the people of Lana'i. The Hokuao 201H Housing Project ("Hokuao"), when fully built-out, will consist of approximately 150 single-family homes for rent. Seventy-six of the units will be available exclusively for rent to households falling within the HUD low-income guidelines, adjusted for Lana'i by the County of Maui Department of Housing and Human Concerns. The remaining units will be offered for rent at market rate. Lot sizes will be approximately 8,000-square feet. Hokuao will also include a one-acre park, pedestrian and bicycle path with three small pocket parks along the edge of the project, a 1,500 square-foot community center for use by the Lana'i community, and a 60 stall parking area. Ninth and Twelfth Streets, which are currently dirt roads, will be improved as part of this proposed development. Hokuao qualifies as an affordable housing project under Chapter 201H, HRS. Petitioner is seeking exemption from State and County land use regulations and is proceeding under the Fast-track procedures provided under HRS section 201H-38.

VIII. DATE OF FILING OF PETITION

October 18, 2021.

IX. RIGHTS OF INTERESTED PERSONS

All persons who have a property interest in the Petition Area, 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 a petition to intervene to the Land Use Commission. All other persons may apply for leave to intervene, subject to the limitations of HAR Section 15-15-97(d). Petitions to Intervene may be filed within fifteen (15) days after this Notice of Intent is published pursuant to HAR Sections 15-15-97(b)(2) and 15-15-97(e). The Commission will publish the notice of hearing at a later date.

Any questions or requests for additional information may be referred to:

CALVERT G. CHIPCHASE
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813
Telephone: (808) 521-9220
(SA1338610 8/19/21)

ICSP NO : _____

Exhibit 2

AFFIDAVIT OF PUBLICATION

STATE OF HAWAII, } ss.
County of Maui.

Kara Durr

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

DISTRICT BOUNDARY AMENDMENT PETITION

of which the annexed is a true and correct printed notice, was
published 1 time in THE MAUI NEWS, aforesaid, commencing
on the 19th day of August, 2021, and ending
on the 19th day of August, 2021, one day
inclusive), to-wit: on

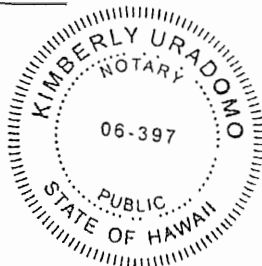
August 19, 2021

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

This 1 page NOTICE OF INTENT, dated
August 19, 2021,
was subscribed and sworn to before me this 25th day of
August, 2021, in the Second Circuit of the State of Hawaii,
by Kara Durr

Notary Public, Second Judicial
Circuit, State of Hawaii

Kimberly Uradomo
Commission expires: 7/2/2022



NOTICE OF INTENT TO FILE A LAND USE DISTRICT BOUNDARY AMENDMENT PETITION

NOTICE IS HEREBY GIVEN that Petitioner, LANA'I RESORTS, LLC dba Pūlama Lāna'i ("Petitioner"), by and through its attorneys, CADES SCHUTTE LLP, intends to file a Land Use District Boundary Amendment Petition with the Land Use Commission of the State of Hawai'i on October 18, 2021, as provided for in Sections 205-4 and 201H-38, Hawai'i Revised Statutes ("HRS"), as amended, and Section 15-15-97(b) of the Hawai'i Administrative Rules ("HAR"), Title 15, Subtitle 3, Chapter 15, Subchapter 13, as amended.

I. IDENTIFICATION OF PETITIONER

LANA'I RESORTS, LLC dba Pūlama Lāna'i
733 Bishop Street, Suite 1500
Honolulu, Hawai'i 96813

II. PETITIONER'S PROPERTY INTEREST AND TAX MAP KEY NO.

The subject property is comprised of portions of three separate parcels identified as Tax Map Key Nos. (2) 4-9-002:061 (por.); (2) 4-9-014:001 (por.); and (2) 4-9-014:009 (por.) (together, the "Petition Area"). Petitioner is the sole fee owner of each of these parcels.

III. PROPOSED RECLASSIFICATION

Petitioner requests to reclassify the Petition Area from the State Land Use Agricultural District to the State Land Use Urban District.

IV. LOCATION

The Petition Area is located in Lāna'i City, Lāna'i Island, County of Maui, State of Hawai'i.

V. ACREAGE

The Petition Area consists of approximately 76 acres.

VI. EXISTING LAND USE

The Petition Area is largely vacant. Most of the Petition Area consists of abandoned pineapple fields. A portion of the Petition Area is a graded yard used to store shipping containers. Historically, a Maui Electric Company Power plant—now demolished—was also located within the Petition Area. The land has lain fallow for decades with no plans forwarded for replanting with any crop.

VII. PROJECT DESCRIPTION

Petitioner proposes a sustainable residential development to repurpose and revitalize the Petition Area to provide affordable desirable homes for the people of Lāna'i. The Hōkūāo 201F Housing Project ("Hōkūāo"), when fully built-out, will consist of approximately 150 single-family homes for rent. Seventy-six of the units will be available exclusively for rent to households falling within the HUD low-income guidelines, adjusted for Lāna'i by the County of Maui Department of Housing and Human Concerns. The remaining units will be offered for rent at market-rate. Lot sizes will be approximately 8,000-square feet. Hōkūāo will also include a one-acre park, pedestrian and bicycle path with three small pocket parks along the edge of the project, a 1,500-square-foot community center for use by the Lāna'i community, and a 60 stall parking area. Ninth and Twelfth Streets, which are currently dirt roads, will be improved as part of this proposed development. Hōkūāo qualifies as an affordable housing project under Chapter 201H, HRS. Petitioner is seeking exemption from State and County land use regulations and is proceeding under the fast-track procedures provided under HRS section 201H-38.

VIII. DATE OF FILING OF PETITION

October 18, 2021.

IX. RIGHTS OF INTERESTED PERSONS

All persons who have a property interest in the Petition Area 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 a petition to intervene to the Land Use Commission. All other persons may apply for leave to

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

PŪLAMA LĀNA'I,
To Amend The Agriculture Land Use
District Boundaries Into the Urban Land
Use District for approximately 56.436 acres
of land, consisting of a portion of Tax Map
Key No. (2) 4-9-002:061 (por.) and (2) 4-9-
014:001 (por.) at Lāna'i City, Island of
Lāna'i, County of Maui, State of Hawai'i.

DOCKET NO. A21-810

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned hereby certify that on this date, a copy of the foregoing document was duly served on the following persons at their last known address by depositing a copy in the U.S. mail, postage prepaid:

County of Maui Corporation Counsel

MICHAEL HOPPER
Deputy Corporation Counsel
200 S. High St
Kalana O Maui Bldg, 3rd Fl
Wailuku, HI 96793
Email: michael.hopper@co.maui.hi.us

County of Maui Planning Department

MICHELE McLEAN
Director
2200 Main Street
One Main Plaza, Suite 315
Wailuku, HI 96793
Email: michele.mclean@co.maui.us

State Office of Planning and Sustainable Development

MARY ALICE EVANS
Director
Office of Planning
P.O. Box 2359
Honolulu, HI 96804-2359
Email: maryalice.evans@hawaii.gov

Office of the Attorney General

ALISON KATO
Deputy Attorney General
425 Queen Street
Honolulu, HI 96813
Email: alison.s.kato@hawaii.gov

DATED: Honolulu, Hawai'i, October 7, 2021.

CADES SCHUTTE
A Limited Liability Law Partnership

A handwritten signature in cursive script, appearing to read "Chris Goodin", is written over a horizontal line.

CALVERT G. CHIPCHASE
CHRISTOPHER T. GOODIN
STACEY F. GRAY
MOLLY A. OLDS
Attorneys for Petitioner
PŪLAMA LĀNA'I