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ORIGINAL

2017 MAY - 4 A 6: 02
 LAND USE COMMISSION
 STATE OF HAWAII

BEFORE THE LAND USE COMMISSION
 OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A16-800
)	
ISLAND SCHOOL)	OFFICE OF PLANNING'S COMMENTS
)	TO PETITIONER'S PROPOSED
To Amend the Land Use District Boundary)	FINDINGS OF FACT, CONCLUSIONS
of Approximately 38.448 Acres of Land)	OF LAW, AND DECISION AND ORDER
from the Agricultural District into the Urban)	FOR A STATE LAND USE DISTRICT
District at Puhi, Lihue, Island of Kauai,)	BOUNDARY AMENDMENT;
State of Hawaii, Tax Map Key No: (4) 3-8-)	CERTIFICATE OF SERVICE
002: 016)	
)	

OFFICE OF PLANNING'S COMMENTS TO PETITIONER'S PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER FOR A STATE LAND USE DISTRICT BOUNDARY AMENDMENT

Pursuant to Hawaii Administrative Rules (HAR) § 15-15-82, the Office of Planning (OP) respectfully submits comments to Petitioner Island School's (Petitioner) *Proposed Findings of Fact, Conclusions of Law, and Decision and Order for a State Land Use District Boundary Amendment*, filed with the State Land Use Commission (Commission or LUC) on April 20, 2017 (Petitioner's Proposed D&O).

The comments offered herein are provided to help supplement and support the Petitioner's Proposed D&O. OP's comments on specific procedural matters (PMs) and findings of fact (FOFs) are provided below with suggested new language in bold.

Except as set forth below, the Office of Planning ("OP") has no comments or objections to the Petitioner's Proposed D&O.

I. PROCEDURAL MATTERS

Immediately following PM 14, OP recommends adding the following PM:

15. On March 22, 2017, the Commission received the Office of Planning's Exhibit 9, a letter dated March 3, 2017, from the State Department of Transportation related to docket no. A16-801, University of Hawaii Community College.

II. FINDINGS OF FACT

OP recommends adding the following FOFs under part J. "Adequacy of Public Services and Facilities" in support of the Lihue Airport condition:

2. Lihue Airport

#. The Petition Area is located about three miles from Lihue Airport and outside of the noise contours of the Lihue Airport 5-Year Noise Exposure Map. There are no flight tracks over the Petition Area and there should be no significant noise impacts.

[OP Ex. 7, pg. 1]

#. Photovoltaic (PV) systems, if located in or near the approach path of aircraft into an airport, can create a hazardous condition for a pilot due to possible glint and glare reflected from the PV array. The State Department of Transportation (DOT) recommends that the highest rated non-glare materials be used in the PV system to mitigate potential hazardous conditions for pilots. If glint and glare from the PV system creates a hazardous condition, the owner of the PV system must be prepared to immediately mitigate the hazard upon notification by DOT Airports Division or the Federal Aviation Administration ("FAA"). [OP Ex. 7, pg. 1]

#. The FAA requires a minimum distance of five (5) statute miles between the farthest edge of the air operations area and the hazardous wildlife attractant if the attractant could cause hazardous wildlife to fly into or across the approach or departure space. This includes using appropriate landscaping that deters bird nesting and foraging.

[OP Ex. 7, pg. 2]

#. Petitioners should be aware of the duties of State and County agencies to implement the Technical Advisory Memo related to this project and all projects within five miles of an airport: http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf [OP Ex. 7, pg. 2]

OP recommends adding the following FOF regarding hazardous substances under Part I. "Environmental Quality" in support of the hazardous substance condition:

#. The Department of Health (DOH) recommends that any redevelopment of former sugar cane lands include a Phase I Environmental Site Assessment and site investigation. If the investigation shows that a release of petroleum, hazardous substance, pollutants or contaminants may have occurred on the site, the site should be properly characterized through an approved DOH Hazard Evaluation and Emergency Response Office soil and/or groundwater sampling plan. [OP Ex. 4, pg. 1]

Conclusion

Petitioner respectfully requests that the Commission adopt the Petitioner's Proposed D&O with the comments as stated herein.

DATED: Honolulu, Hawaii, May __, 2017.

OFFICE OF PLANNING
STATE OF HAWAII


LEO R. ASUNCION
Director

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon the following by either hand delivery or depositing the same in the U.S. Postal Service by regular mail.

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DATED: Honolulu, Hawaii, May 3, 2017.

OFFICE OF PLANNING
STATE OF HAWAII



LEO R. ASUNCION
Director