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LAND USE COMMISSION
STATE OF HAWAII

2017 JAN 19 A 9:18

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 STATEMENT
)	OF POSITION; CERTIFICATE OF
To Amend the Land Use District Boundary)	SERVICE
of Approximately 38.448 Acres of Land)	
from the Agricultural District into the Urban)	
District at Puhi, Lihue, Island of Kauai,)	
State of Hawaii, Tax Map Key No: (4) 3-8-)	
002: 016)	
_____)	

OFFICE OF PLANNING'S STATEMENT OF POSITION

Pursuant to Hawaii Administrative Rules ("HAR") § 15-15-55, the Office of Planning ("OP") submits this Statement of Position of support for the reclassification of the Petition Area, subject to certain conditions. This Statement of Position summarizes OP's position based on information currently available, including the representations of Island School ("Petitioner"), documents filed in these proceedings, coordination with the Petitioner and affected government agencies, and the statutes and regulations applicable to these proceedings. Additional information that becomes available to us will be reflected in OP's written testimony.

PETITION OVERVIEW

General Information

The Petitioner requests that the Land Use Commission ("Commission or LUC") reclassify approximately 38.448 acres of land from the State Agricultural District to the State Urban District at Puhi, Lihue, Island of Kauai.

The Petitioner is the fee owner of the parcel, Tax Map Key (“TMK”) No. (4) 3-8-02: 16, being proposed for reclassification under this Petition.

Proposed Use of the Petition Area

Petitioner proposes to reclassify 38.448 acres from the State Agricultural District to the Urban District. According to the Petition, the school was founded in 1977 in Kealia by a group of Kauai parents and teachers. It was relocated in 1991 to its current location on a 10-acre site, deeded to the Petitioner by Lihue Plantation. It is one of the oldest and largest private schools on Kauai. The school accommodates grades Pre-kindergarten through grade 12, and a current enrollment of about 370 students.

The Petitioner is requesting the reclassification in order to allow for expansion of the campus and facilities, in place of having to obtain additional, future State Special Permits, and to allow for a more comprehensive review. Petitioner is drafting a long range master plan for the Petition area. Petitioner currently has an enrollment of about 370 students. Petitioner proposes to provide for an increased enrollment up to 500 students. The school currently has 62 full time equivalent (“FTE”) faculty and staff. An increase of about 22 FTE faculty and staff would be required for the increased student enrollment.

The master plan includes new, renovated and expanded classroom buildings, expanded administration facility, visual arts facility, and other expanded school facilities.

The Petition area is consistent with the Kauai General plan, which designates this area as “Urban Center.” As indicated in the Petition, the development and operation of the Petition area has been permitted through a State Special Permit granted by the Kauai County Planning Commission on August 23, 1990. An amendment to this original State Special Permit was approved on April 13, 1995. Additional Special Permits were approved by the County Planning Commission for additional improvements to the campus on August 22, 1996, August 14, 1997, and April 26, 2005. The Petitioner also increased the school site from the original 10-acres to 30-acres in September 1998. Subsequently, an additional 8.448 acres were added to the school site in 2006, for the total of 38.448 acres for the Petition area. The Final Environmental Assessment (“FEA”) for the project also indicates that the Petitioner constructed a 200 kilowatt solar photovoltaic facility on a one-acre site within the northeast area of the Petition area in November 2012, and that it should meet the daytime needs for the Petitioner.

Access to the site is through a driveway easement granted from Kauai Community College, located from Puhī Road, along the adjoining Kauai Community College campus (A16-801), through Nuhou Road, into the Petitioner's campus.

Petition Area Description and County Land Use Designations

The Petition Area is shown in Petitioner's Exhibit 1.

KEY ISSUES OF CONCERN TO THE STATE

The following summarizes key issues related to areas of State concern in HRS §§ 205-16 and 205-17. OP's written testimony will recommend appropriate conditions, as necessary, to address any reasonably foreseeable impacts from the proposed project that have not been addressed by commitments made by Petitioner to avoid, minimize, or mitigate these impacts.

Impacts on Areas of State Concern

Natural Systems and Habitats

According to the Final Environmental Assessment (EA), there are three plantation-era irrigation ditches, which are Grove Farm Company, Inc. irrigation system. However, the reservoir, which is designated as a wetland by the U.S. Fish and Wildlife Service, is outside of the Petition area. There are no wetland areas within the Petition area. The Final EA indicated that there are several endangered bird species transiting the site, and various wetland birds frequent the wetland areas, such as the Hawaiian Nene, Common Moorhen, Pacific Golden Plover, and Black-crowned Night-Heron. The Hawaiian Pueo and Nene may forage in the area. The Hawaiian Hoary bat was not observed, however, mitigation measures are outlined within the Final EA for the species.

Archaeological, Historic, and Cultural Resources

A letter dated January 13, 2013 from the State Historic Preservation Division, Department of Land and Natural Resources indicated that a full archaeological inventory survey (AIS) of the project area was completed and approved by the SHPD.

The FEA includes Appendix C, Cultural Impact Assessment for the University of Hawaii, Kauai Community College site, which includes information for this Petition area.

Transportation

The Final EA includes Appendix D, a Traffic Impact Study. OP is in the process of consulting with the State Department of Transportation regarding traffic impacts for this Petition.

Agriculture

The Petition area soils are designated as B by the Land Study Bureau. Within the Agricultural Lands of Importance within the State of Hawaii (ALISH), the Petition area is classified as Prime Agricultural land, except for small areas in the northeast and south which are not classified. See Figures 3-2 and 3-3 in the Petitioner's Final EA, Petitioner's Exhibit 6.

CONCLUSION

Based on our preliminary assessment of the Project with respect to the Commission's decision-making criteria, OP supports the proposed boundary amendment with possible conditions to address the concerns raised herein to be provided in OP's forthcoming testimony. The proposed boundary amendment does not conflict with HRS Chapter 205 and generally meets the Commission's decision-making criteria contained in HRS Chapter 205 and HAR Chapter 15-15. OP's position is contingent on the Petitioner's commitment to avoid, minimize, or mitigate Project impacts identified by the State herein and in this proceeding to the satisfaction of the relevant State agencies prior to the close of the Petitioner's case-in-chief, or by agreed-to conditions of approval.

OP distributed the Petition to State agencies for their review and comments; additional information or concerns may be forthcoming. Specific impacts on areas of State concern and recommendations on conditions to mitigate Project impacts will be discussed further in OP's written testimony.

DATED: Honolulu, Hawaii, January 19, 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, January 19, 2017.

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STATE OF HAWAII



LEO R. ASUNCION
Director