

BEFORE THE LAND USE COMMISSION

LAND USE COMMISSION  
STATE OF HAWAII

OF THE STATE OF HAWAII

2016 MAY 18 A 8:25

In the Matter of the Petition of	)	DOCKET NO. A16-800
	)	
ISLAND SCHOOL	)	ISLAND SCHOOL
	)	
To Amend the Agricultural Land Use	)	
District Boundary into the Urban District for	)	
approximately 38.448 acres at Puhī, Lihū`e,	)	
Island of Kauai, State of Hawai`i,	)	
TMK: (4) 3-8-002: 016	)	
_____	)	

**PETITION FOR LAND USE**  
**DISTRICT BOUNDARY AMENDMENT**

**VERIFICATION**

**EXHIBITS "1" THROUGH "8"**

**AFFIDAVIT OF SERVICE OF PETITION**  
**FOR LAND USE DISTRICT BOUNDARY AMENDMENT**

**AFFIDAVIT OF SENDING OF NOTIFICATION OF PETITION FILING**

**AND**

**CERTIFICATE OF SERVICE**

BENJAMIN M. MATSUBARA, #993-0  
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Attorneys for Petitioner  
 ISLAND SCHOOL

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**PETITION FOR LAND USE**  
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TO THE HONORABLE LAND USE COMMISSION OF THE STATE OF HAWAII:

ISLAND SCHOOL ("Petitioner") by and through its attorneys, MATSUBARA - KOTAKE, respectfully petitions the Land Use Commission of the State of Hawai`i ("Commission") to amend the land use district boundary of approximately 38.448 acres of land at Puhi, Lihu`e, Kaua`i, Hawai`i, ("Property" or "Petition Area") more particularly described below, from the State Land Use Agricultural District to the State Land Use Urban District to update its master plan to accommodate additional campus facilities for future increase in its student enrollment, currently at approximately 370 students, to approximately 500 students ("Project"). In support of this Petition, Petitioner respectfully presents the following:

1. Background. Petitioner was founded in 1977 by a group of Kaua'i parents and teachers concerned with providing quality education for Kaua'i's children. It is one of Kaua'i's oldest and largest private, non-sectarian, independent school accommodating Grades Pre-Kindergarten (Pre-K) through 12, and has a current enrollment of approximately 370 students.

The Petition Area is comprised of approximately 38.448 acres of land in the Agricultural District. Petitioner's existing campus resides upon approximately 30 acres and consists of classrooms, administration and various other facility buildings; athletic/recreational fields; open space; school parking; and, road access. Approximately 12 acres of the 30 acres is utilized for the buildings and structures of the school.

Since relocating from the school's original location in Kealia on the east side of Kaua'i, the school has been operating in Puhi on agricultural lands under a Special Permit, Use Permit, Variance Permit, and Class IV Zoning Permit that was issued by the County Planning Commission on August 23, 1990 which was subsequently updated. The current Special Permit, Use Permit and Class IV Zoning Permit was issued on April 26, 2005 by the County Planning Commission.

Petitioner is now seeking to reclassify the Petition Area to the urban district to be consistent with the existing use and to provide for future expansion.

2. Standing. The fee simple ownership of TMK: (4) 3-8-002: 016, comprising of approximately 38.448 acres of land, is vested in Petitioner, a Hawai'i non-profit corporation, whose principal place of business is 3-1875 Kaumuali'i Highway Lihu'e, Kaua'i, Hawai'i 96766-9597. Petitioner possesses the requisite standing to file this Petition pursuant to HRS § 205-4(a) and Hawai'i Administrative Rules ("HAR") § 15-15-46(3).

3. Authorized Representatives. Mr. Benjamin M. Matsubara and the law firm of Matsubara - Kotake have been appointed to represent the Petitioner pursuant to HAR § 15-15-35(b). All correspondence and communications in regard to this Petition shall be addressed to, and served upon, Mr. Benjamin M. Matsubara, Matsubara - Kotake, 888 Mililani Street, 8<sup>th</sup> Floor, Honolulu, Hawai'i 96813 and Mr. David Pratt, Island School, 3-1875 Kaumuali'i Highway Lihu'e, Kaua'i, Hawai'i 96766-9597.

4. Relief Sought. Petitioner desires to amend the land use district boundary to reclassify approximately 38.448 acres of land at Puhi, Lihu'e, Kaua'i, Hawai'i, from the State Land Use Agricultural District to the State Land Use Urban District.

5. Authority for Relief Sought. Petitioner files this Petition pursuant to HRS § 205-4 and the Land Use Commission Rules of the State of Hawai'i, HAR, Title 15, Subtitle 3, Chapter 15.

6. Description of the Property. The Petition Area is located adjacent to and north/northeast of the University of Hawai'i's Kaua'i Community College campus and approximately two miles west of Līhu'e town in Pūhi, Līhu'e District, Island of Kaua'i

A map identifying the location of the Property is attached as Exhibit "1". A survey map and metes and bounds description of the Property is attached as Exhibit "2". Tax maps showing the Property are attached as Exhibit "3".

7. Petitioner's Property Interest. The fee simple ownership of Petition Area is owned by Petitioner. Attached to this Petition as Exhibit "4" are documents evidencing Petitioner's ownership of the Petition Area.

8. Description of Easements on the Subject Property. Easements for building, constructing, repairing, maintaining and operating pole and wire lines for the transmission of electricity located on the Petition Area are held by Kauai Electric Company and Citizens Utilities Company, whose interest is now held by Kauai Island Utility Co-Op and GTE Hawaiian Telephone Company Incorporated, now known as Hawaiian Telcom, Inc. The Petition Area is also subject to an Access Agreement held by The Lihue Plantation Company. The Title Guaranty Status Report describing the easements and access agreement is attached as a part of Exhibit "2".

9. Petitioner's Financial Condition. Petitioner's financial statements are attached as Exhibit "5". Development of the Project is intended to be financed through tuition, grants, donations, and in-kind contributions.

10. Reclassification Sought, Proposed Use of Property and Conformity to Urban District Standards. The Property is presently classified within the State Land Use Agricultural District. Petitioner seeks to reclassify the Property to the State Land Use Urban District to develop the Project. Petitioner is proposing an update of its master plan to accommodate additional campus facilities for future increase in its student enrollment, currently at approximately 370 students, to approximately 500 students. An increase of approximately 22 full time equivalent (“FTE”) faculty and staff, to the current 62 FTE members, for a total of 84 FTE members, will be required for the future increase in student enrollment.

The proposed updated master plan includes new, renovated and expanded classroom buildings; expanded administration facility and visual arts facility; new facilities, including science building, campus center, dining facility, auditorium and stage, arts education building, dormitory, faculty and employee housing, back-of-house building and courtyard, robotics shed, outdoor science area, maintenance facility, and informal gathering areas; playground and sports facilities, including physical education (P.E.) facilities, track and football field, soccer field, baseball field, softball field, and outdoor swimming pool; internal loop road with bus parking spaces; school and community drop-off areas; and, additional parking spaces. The project is described at page 2-1 and Figure 2-1 of the Final Environmental Assessment/Finding of No

Significant Impact, Island School Updated Master Plan dated January 2013, attached hereto and incorporated herein by reference as Exhibit "6".

The Project is consistent with the standards for urban districts pursuant to HAR § 15-15-18. The Project will have "city-like" concentrations of people, structures, streets and urban level of services, and the Project is proximately located to centers of trading and employment, accessible to basic services, has satisfactory topography, reasonably free from adverse environmental effects, contiguous with proposed urban areas, and Petitioner has also filed a Petition for County General Plan Amendment dated November 2, 2012 to amend the Petition Area from the County General Plan Agriculture designation to the Urban Center designation which was approved on March 13, 2013.

11. Projected Number of Lots, Lot Size, Number of Units, Densities, Selling Price, Intended Market and Development Timetables. The Project does not include any marketable units or lots. Petitioner anticipates completion of the Project by 2024.

12. Environmental Impact. Exhibit "6" to this Petition is the Final Environmental Assessment/Finding of No Significant Impact, Island School Updated Master Plan dated January 2013 ("EA") prepared for Petitioner's Petition for County General Plan Amendment and accepted by the Kaua'i County Planning Department upon a finding of no significant impact.

13. Description of the Property, Surrounding Area and Use of Land. The Petition Area was previously in sugar cane cultivation by the Lihū'e Plantation Company, Ltd. until the late 1980s. Since the 1990's, the majority of the Petition Area of approximately 30 acres encompassing the western and central portions of the site, has been developed as the Island School campus consisting of classroom, administration and various other facility buildings; athletic/recreational fields; open space; school parking; and, road access. The remaining 8.448 acres comprising the north-central and eastern portions of the Petition Area are currently undeveloped and vegetated with forest, shrubland, and grassland areas.

Land uses bordering the Petition Area include the University of Hawai'i's Kaua'i Community College campus to the southwest/south; a reservoir to the south; undeveloped, vegetated lands owned by Grove Farm Company, Inc. to the north; and, an agro-tourism venture operated by Kaua'i Kilohana Partners, dba Kilohana Plantation, to the east on property owned by Grove Farm Company, Inc.

Other surrounding land uses in the nearby vicinity include Kilohana Plantation to the southeast; Kaumuali'i Highway to the south; two Hawaiian Language Immersion schools, including Punana Leo o Kaua'i Preschool and Kawaikini New Century Public Charter School, located to the south within the Kaua'i Community College property; a water storage tank located to the southwest; and, undeveloped,



vegetated lands owned by Grove Farm Company, Inc. to the west, north and east. See page 1-6 of Exhibit "6".

Across Kaumuali'i Highway from Kauai Community College to the south is the town of Puhi, with retail businesses, residences and light industrial uses. Further east along the highway, opposite the access road to Kauai Community College and Island School, is Chiefess Kamakahahei Middle School and the YMCA at the intersection of Nuhou Street. About a half-mile further east along the highway, on the south side, are Kukui Grove Shopping Center, Home Depot, Costco and K-Mart. Lihue is about another half-mile further east along the highway.

14. Soils Classification, Agricultural Lands of Importance to the State of Hawaii, and Productivity Rating. The U.S. Department of Agriculture Natural Resources Conservation Service classifies the soils within the Petition Area as the Puhi series and rough broken land.

The predominant soil type within the Petition Area is classified as Puhi silty clay loam, 3 to 8 percent slopes (PnB), with a sliver along the southwestern boundary classified as Puhi silty clay loam, 8 to 15 percent slopes (PnC). This soil type is well-drained, developed in material derived from basic igneous rock, and occurs on broad interfluvial areas on the uplands. The representative profile of the surface layer is brown silty clay loam, about 12 inches thick. The subsoil, about 48 inches thick, is reddish-brown and dark reddish brown silty clay loam and silty clay that has

subangular blocky structure. The substratum is silty clay. Runoff is slow and erosion hazard is slight.

A sliver within the northeastern portion of the Petition Area is classified as rough broken land (rRR). This soil type consists of very steep land broken by numerous intermittent drainage channels. It occurs in gulches and on mountainsides, and in most places it is not stony. These soils are variable, and are 20 to more than 60 inches deep over soft, weathered rock. In most places, some weathered rock fragments are mixed with the soil material. Small areas of rock outcrop, stones, and soil slips are common. Runoff is rapid, and geologic erosion is active.

The *Detailed Land Classification – Island of Kauaʻi* published by the University of Hawaiʻi Land Study Bureau (LSB) evaluates the quality or productive capacity of certain lands on the Island for selected crops and overall suitability in agricultural use. A five-class productivity rating system was established, with “A” representing the class of highest productivity and “E” the lowest. The Petition Area is classified as “B” rated soils which are considered to have good attributes for agricultural productivity.

The State Department of Agriculture’s *Agricultural Lands of Importance in the State of Hawaiʻi* (ALISH) established a classification system for identification of agriculturally important lands. Three classes of lands were established for the State, primarily, but not exclusively, on the basis of soil characteristics. The three classes of

ALISH lands are Prime Agricultural Land, Unique Agricultural Land, and Other Important Agricultural Land. Lands not included under this system are "unclassified". The majority of the Petition Area is classified as Prime Agricultural Land, except for slivers of land within the northeast and southern portions which are unclassified. See page 3-1 through 3-2 of Exhibit "6".

15. Topography. The topography of the Petition Area is gently sloping at approximately 3 percent, ranging in elevation from approximately 400 feet above mean sea level (msl) at the northwestern portion to about 350 feet above msl at the eastern portion. See page 3-1 of Exhibit "6".

16. Assessment of the Impacts of the Proposed Development on the Environment. A discussion of the impacts of the Project on the environment is summarized herein and detailed in Petitioner's EA.

a. Flora. A botanical survey of the Petition Area was conducted by AECOS Consultants in September 2010. The botanical survey report is included as Appendix A of Exhibit "6". The vegetation within the undeveloped areas of the Petition Area consists of mixed areas of moderately open to closed forest, shrubland, and grassland. Forest tends to predominate, with mostly mature macaranga (*Macaranga tanarius*) and albizia (*Falcataria moluccana*) trees. Other species include Christmas berry (*Schinus terebinthifolius*), octopus plant (*Schefflera actinophylla*), and Java plum (*Syzygium cuminii*). Groundcover and understory shrubs and vines varied considerably from area

to area. No plant species currently listed as endangered, threatened, or proposed for listing under either the Federal or State of Hawai'i endangered species programs were recorded as growing naturally within the Petition Area. Several listed species observed were ornamentals in a Hawaiian native plant garden. See page 3-13 of Exhibit "6".

b. Fauna. A fauna survey of the Petition Area was conducted by Rana Biological Consulting, Inc. in September 2010. The fauna report is included as Appendix A of Exhibit "6". A total of 221 individual birds of 22 species, representing 16 separate families, were recorded during the survey. Three of the species recorded, the Hawaiian Goose or Nēnē (*Branta sandvicensis*), Common Moorhen (*Galinula chloropus sandvicensis*), and Hawaiian Coot (*Fulica alai*) are all native and listed as endangered species under both Federal and State of Hawai'i endangered species statutes. The Nēnē population on Kaua'i is increasing at a fairly rapid pace, and it is likely that if this increase continues, human interactions with Nēnē will continue to rise over time on the Island. The Common Moorhen and Hawaiian Coot are relatively abundant and widespread on the Island. One other species recorded, the Pacific Golden-Plover (*Pluvialis fulva*), is an indigenous migratory shorebird species that nests in the high Arctic during the late Spring and Summer months, returning to Hawai'i and the tropical Pacific to spend the Fall and Winter months each year. Another, the Black-crowned Night-Heron (*Nycticorax nycticorax hoactli*), is an indigenous resident breeding species. The remaining 17 species recorded are all considered to be alien to the

Hawaiian Islands. Avian diversity and densities were in keeping with the highly manicured nature of the majority of the Petition Area, and its location in the lowlands of Kaua'i. Three species, the Chestnut Munia (*Lonchura atricapilla*), Zebra Dove (*Geopelia striata*), and Common Myna (*Acridotheris tristis*), accounted for slightly less than 52 percent of all birds recorded during the station counts. The most commonly recorded species was the Chestnut Munia, which accounted for slightly more than 21 percent of the total number of individual birds recorded. Although not detected during the survey, it is probable that the Hawaiian endemic sub-species of the Short-eared Owl, or Pueo (*Asio flammeus sandwichensis*) use resources in the general project area, as they are regularly seen foraging over open fields in the low- to mid-elevation areas on the Island. Two other species not detected during the survey, the endangered Hawaiian Petrel (*Pterodroma sandwichensis*) and the threatened endemic sub-species of the Newell's Shearwater (*Puffinus auricularis newelli*) have been recorded flying over the Petition Area between April and the end of November each year. Additionally, the Save Our Shearwaters Program has recovered both species from the general Petition Area on an annual basis over the past three decades. There are no nesting colonies or appropriate nesting habitat for either of these listed seabird species within or close to the Petition Area. By letter dated September 14, 2012, in response to the pre-assessment consultation conducted for this Draft EA, the USFWS stated that the Band-rumped Storm Petrel (*Oceanodroma castro*), a candidate for listing, may fly over the Petition Area.

In addition, the USFWS stated the federally endangered Hawaiian stilt (*Himantopus mexicanus*) and endangered Hawaiian duck (*Anas wyvilliana*) may also be present in the vicinity of the project site (letter dated December 26, 2012 in response to Draft EA, see Appendix F of Exhibit "6").

Mammalian species detected during the survey include a dead cat (*Felis c. catus*), and tracks and sign of both dog (*Canis f. familiaris*) and pig (*Sus s. scrofa*). The endangered Hawaiian hoary bat (*Lasiurus cinereus semotus*), or `ōpe`ape`a as it is known locally, was not detected during the survey, although bats have been recorded within the general Petition Area on a regular basis. Hawaiian hoary bats are widely distributed in the lowland areas on Kaua`i, and have been documented in and around almost all areas that still have some dense vegetation. Although no rodents were detected during the survey, it is likely that the four established alien muridae found on Kaua`i, the Roof rat (*Rattus r. rattus*), Norway rat (*Rattus norvegicus*), European house mouse (*Mus musculus domesticus*), and possibly Polynesian rat (*Rattus exulans hawaiiensis*) use various resources found within the general Petition Area. All of these introduced rodents are deleterious to native ecosystems and the native faunal species dependant on them. No mammalian species protected or proposed for protection under either the Federal or State of Hawai`i endangered species programs were detected within the Petition Area during the survey.

There is no Federally delineated Critical Habitat present within or adjacent to the Petition Area. See page 3-14 of Exhibit "6".

c. Groundwater and Surface Water. The Petition Area is located within the Līhu`e Aquifer Sector Area. The Līhu`e Aquifer Sector Area is comprised of five Aquifer System Areas identified as the Kīlauea, Anahola, Wailua, Hanamaulu, and Kōloa Aquifer System Areas. The Petition Area is located within the Hanamaulu Aquifer System Area. The State Department of Land and Natural Resources (DLNR), Commission on Water Resource Management (CWRM) has adopted a sustainable yield of 36 million gallons per day (mgd) for this aquifer. The Petition Area is not within a Ground Water Management Area as designated by DLNR CWRM. No significant impacts on ground water are anticipated as a result of the construction and development of the proposed project. Construction and operational activities associated with the proposed project are not likely to introduce to, nor release from the soil, any materials which could adversely affect ground water sources. See page 3-10 of Exhibit "6".

There are no streams within the Petition Area. Nāwiliwili Stream is the nearest perennial stream, located approximately 300 feet north of the Petition Area at its closest point. Nāwiliwili Stream generally flows in a northwesterly to easterly direction in the vicinity of the Petition Area, and continues in a southeasterly direction to Nāwiliwili Bay. Puhī Stream flows in a southerly direction approximately 0.2 mile

west of the Petition Area at its closest point. Puhi Stream converges with Hoinakaunalehu Stream south of the Petition Area, forming Papakōlea Stream. Further south, Papakōlea Stream flows through the Hulē`ia National Wildlife Area before discharging into Hulē`ia Stream, which flows east to Nāwiliwili Bay.

Construction of the proposed project improvements will involve grading and excavation of presently undeveloped and developed areas within the Petition Area. Potential impacts to the quality of nearby surface waters during construction of the proposed project improvements will be mitigated by adherence to State and County water quality regulations governing grading, excavation, and stockpiling. A NPDES General Permit for Storm Water Associated with Construction Activity, as administered by the State DOH, will be required to control storm water discharges. Mitigation measures will be instituted in accordance with site-specific assessments, incorporating appropriate structural and/or non-structural BMPs, such as minimizing time of exposure between construction and re-vegetation, and implementing erosion control measures such as silt fences and sediment basins. No construction activities in conjunction with the proposed project will occur within the adjacent reservoir.

Following construction, the proposed project improvements will increase impervious surface areas within the Petition Area. This will not, however, result in adverse effects from storm runoff to adjacent and downstream areas. New drainage



improvements, which may include drain lines, grass swales, and culverts, will be provided in conjunction with the proposed project. See page 3-6 of Exhibit "6".

d. Archaeological and Historical Resources. An Archaeological Inventory Survey (AIS) was prepared by Cultural Surveys Hawai'i, Inc. in May of 2013. The scope of work for the AIS included historic and archaeological background research, ground survey and subsurface testing.

One historic property was identified: SIHP # 50-30-11-2179, Features A through D. Feature A is a reservoir, Feature B is an earthen ditch, Feature C is an earthen ditch with running water, and Feature D is an earthen ditch.

SIHP # 50-30-11-2179 (historic agricultural infrastructure) is part of a large historic agricultural district that was once extant throughout much of Nawiliwili. Portions of the district are still farmed today, but the agricultural infrastructure has lost its integrity through repeated modification, disuse and ground disturbance and cannot convey its historic functional significance as part of this larger district.

SIHP # 50-30-11-2179, Features C and D will be adversely affected by the proposed project. An archaeological monitoring program for features C and D in accordance with HAR Chapter 13-279 is recommended to mitigate the impacts of the project.

The AIS was accepted by the State Historic Preservation Division, Department of Land and Natural Resources (“SHPD”) by letter dated March 31, 2014. The AIS and SHPD letter are attached hereto and incorporated herein by reference as Exhibit “7”.

e. Cultural Resources. A cultural impact assessment (CIA) was undertaken by Cultural Surveys Hawai‘i, Inc. in April 2014. The Area of Potential Effect and Survey Acreage for the CIA was defined as the 38.448 acre project area and also included the two ahupua`a of Nāwiliwili and Niumalu.

While the project site is located adjacent to the Old Puhi Camp and Puhi Cemetery, these areas are beyond the Area of Potential Effect. Therefore, no impacts to these sites are anticipated as a result of the proposed project.

Should cultural or burial sites be identified during future ground disturbance in the project area, all work will immediately cease and the appropriate agencies will be notified pursuant to applicable law. The CIA is attached hereto and incorporated herein by reference as Exhibit “8”.

f. Agriculture. The proposed project will not have a significant impact on the conversion of agricultural-designated land within the Petition Area. The Petition Area is rendered unsuitable for intensive agricultural uses given its use as a school since 1990. Further, no intensive agricultural activities presently occur within the Petition Area.

The project will not have a significant impact on adjoining or nearby agricultural lands as the proposed updated master plan improvements will occur entirely within the Petition Area, of which the majority of the site is currently developed as the Island School campus. See page 3-17 of Exhibit "6".

g. Air and Noise Quality. Air quality in the vicinity of the Petition Area is generally good, with prevalent northeasterly tradewinds during most of the year. Within the nearby vicinity of the Petition Area, air quality is primarily affected by vehicular-related emissions in the form of carbon monoxide (CO) generated from traffic traveling along Kaumuali'i Highway and other nearby roadways. In the short-term, there will be air quality impacts related to construction activities, including fugitive dust generated by soil disturbance, and emissions from construction vehicles and equipment and commuting construction workers. Potential air quality impacts during construction of the proposed project will be mitigated by complying with the State DOH Administrative Rules, Title 11, Chapter 60, "Air Pollution Control". The construction contractor(s) will be responsible for complying with the State DOH regulations that prohibit visible dust emissions at property boundaries. Compliance with State regulations will require adequate measures to control fugitive dust by methods such as water spraying and sprinkling of loose or exposed soil or ground surface areas and dust-generating equipment during construction. Exhaust emissions from construction vehicles are anticipated to have negligible impact on air quality in the

vicinity of the Petition Area as the emissions would be relatively small and readily dissipated. In the long-term, no significant impacts on ambient air quality are anticipated with the development of the proposed project. The ambient air quality levels would be most affected by vehicular emissions in the form of CO generated by project-related traffic, although the elevated concentrations are anticipated to be nominal and dissipate.

Ambient noise in the vicinity of the Petition Area is predominantly attributed to vehicular traffic along Kaumuali'i Highway. Unavoidable short-term construction noise impacts will be mitigated to some degree by complying with the provisions of the State DOH Administrative Rules, Title 11, Chapter 46, "Community Noise Control" regulations which require a noise permit if the noise levels from construction activities are expected to exceed the allowable noise levels stated in the Rules. It shall be the contractor's responsibility to minimize noise by properly maintaining noise mufflers and other noise-attenuating equipment, and to maintain noise levels within regulatory limits. Also, the guidelines for the hours of heavy equipment operation and noise curfew times as set forth by the State DOH noise control regulations must be adhered to. In the long-term, no significant impacts on ambient noise levels are anticipated from the development of the proposed project. Ambient noise levels in the vicinity of the Petition Area will increase slightly as a result of the associated minimal increase in vehicular traffic generated by the proposed project.

Operation of the proposed project will potentially generate slightly increased noise during school hours due to additional students, faculty, and school and service-related activities. See page 3-18 of Exhibit "6".

h. Scenic and Open Space Resources. The Petition Area is not visible from public vantage points due to its inland location and distance from Kaumuali'i Highway, the nearest public roadway. The Petition Area is located approximately 0.4-mile mauka of Kaumuali'i Highway at its closest point, and is visually buffered by vegetation and the adjacent Kaua'i Community College campus located between the southern boundary of the site and the Highway. The visual environment of the remaining areas surrounding the Petition Area is of expansive undeveloped, vegetated lands, and agricultural cultivation. No significant visual or aesthetic impacts are anticipated as a result of the proposed project. See page 3-26 of Exhibit "6".

17. Availability or Adequacy of Public Services and Facilities.

a. Roadways and Public Transportation. A Traffic Impact Report (TIR) for the proposed project was prepared by Wilson Okamoto Corporation in December 2010. The purpose of the TIR is to assess the traffic impacts resulting from the implementation of the Island School's updated master plan, and to identify recommendations of improvements, if appropriate, that would mitigate the traffic impacts. The TIR is included as Appendix D to Exhibit "6".

Existing roadways within the vicinity of the Petition Area include Kaumuali'i Highway, Puhi Road, Nani Street, and Nuhou Street. At the time that the TIR was prepared, the ongoing widening of Kaumuali'i Highway from two to four lanes had not reached the segment fronting the Petition Area. Hence, the TIR is based on conditions at the intersections of Kaumuali'i Highway with Nuhou and Puhi Roads and Nani Street at the time it was conducted.

Traffic operations in the vicinity were evaluated in three scenarios: 1) existing; 2) year 2020 without Project; and 3) year 2020 with Project. Traffic operations in the vicinity in year 2020 without Project are expected to improve in comparison to the existing conditions, and the traffic operations in the vicinity in year 2020 with Project are expected to be substantially the same as year 2020 without Project.

Based on the analysis of the traffic data, the following are the recommendations of the TIR with the proposed project:

1. Maintain sufficient sight distance for motorists to safely enter and exit all project roadways.
2. Maintain adequate on-site loading and off-loading service areas and prohibit off-site loading operations.
3. Maintain adequate turn-around area for service, delivery, and refuse collection vehicles to maneuver on-site to avoid vehicle-reversing maneuvers onto public roadways.
4. Maintain sufficient turning radii at all project roadways to avoid or minimize vehicle encroachments to oncoming traffic lanes.

5. If the implementation of Island School's updated master plan is not completed by the Year 2020, prepare an updated Traffic Impact Report that incorporates a revised project completion year.

In addition to the above, both Island School and Kaua'i Community College funded the construction of the roadway extension creating a second connection to Kaumualii Highway for both campuses. Kaua'i Community College and Island School each contributed approximately \$500,000 towards the completion of the roadway extension.

To reduce the use of automobiles, ongoing sustainable transportation options by Island School include providing bus transportation between home and school for students residing within the North Shore and eastern areas of the Island; implementing car pooling for students and staff; and, encouraging bicycling and walking by students residing near the campus by way of the sidewalks/pedestrian pathways along the existing loop road providing access to the school. See page 3-26 of Exhibit "6".

- b. Water System. Potable water service for the Island School campus is provided by the County Department of Water's (DOW) Puhi 510-foot water system. A booster pump station located at the DOW's Puhi 393-foot water reservoir site provides source from the 393-foot water system to the 510-foot system. The Island School campus is currently served by a two-inch water meter, which has a maximum flow of 9,600 gallons per hour.

Island School currently has an agreement to utilize irrigation water from Grove Farm Company, Inc.'s irrigation ditch system which traverses within the Petition Area. Since rainfall is mostly sufficient for irrigation of landscaping within the campus, Island School has generally not utilized much irrigation water, except for a minimal amount for landscaping adjacent to the buildings over the past 20 years.

The projected average daily water demand for the proposed project is approximately 4,700 gpd. The Petitioner will consult with the County DOW on the adequacy of the existing water system to accommodate the proposed project improvements.

Island School will continue to have use of irrigation water from Grove Farm Company, Inc.'s irrigation ditch system, as needed. The projected average demand for irrigation water for the Island School campus with the updated master plan improvements is approximately 65,000 gpd. As the average flow of the irrigation ditch within the Petition Area is approximately 1.0 mgd, the irrigation water system would be adequate to meet the irrigation demands of the proposed project. See page 3-38 of Exhibit "6".

c. Wastewater System. Wastewater service for the Island School campus is provided by Grove Farm Company, Inc.'s Puhi Wastewater Treatment Plant (WWTP) located southeast of the Petition Area and makai of Kaumuali'i Highway. The privately-owned and operated WWTP currently has a design capacity of 1.0 million



gallons per day (mgd), and is expandable to 3.0 mgd. The WWTP currently operates at R-1 effluent quality standards, the highest level of effluent quality regulated by the State. The WWTP currently treats approximately 400,000 gallons per day (gpd) of wastewater. The treated effluent is used to irrigate the nearby Puakea Golf Course. The existing wastewater transmission system for the Island School campus includes a network of sewer lines varying in diameter from eight to 27 inches between the WWTP and Kaua'i Community College campus, from six to eight inches within the Kaua'i Community College campus, and six inches with the Island School campus.

The projected average wastewater flow for the proposed project is approximately 13,900 gpd, with a peak flow of approximately 88,400 gpd. The Puhi WWTP has sufficient capacity to serve the proposed project. See page 3-37 of Exhibit "6".

d. Drainage. Currently, storm runoff from the Petition Area sheetflows to three existing plantation-era irrigation ditches located within the site, and one existing plantation-era irrigation ditch located adjacent to and south of the site, and is then directed to an existing adjacent reservoir. The ditches and reservoir are part of Grove Farm Company, Inc.'s (formerly Lihu'e Plantation Company, Ltd.'s) irrigation system. The ditch identified as CSH 2, located along the western and southwestern boundaries of the Petition Area, collects storm runoff from the western portion of the Island School campus. The ditch identified as CSH 3, located within the eastern portion

of the Petition Area, is an active irrigation ditch that enters the Petition Area from the north and feeds into the reservoir adjacent to the south-central boundary of the Petition Area. The ditch identified as CSH 4, located along the southeastern boundary of the Petition Area, is fed by the adjacent reservoir. The irrigation ditch located south of the Petition Area flows out of the adjacent reservoir, and also collects storm runoff from the Island School campus.

Potential impacts to the quality of nearby surface waters during construction of the proposed project improvements will be mitigated by adherence to State and County water quality regulations governing grading, excavation, and stockpiling. A NPDES General Permit for Storm Water Associated with Construction Activity, administered by the State DOH, will be required to control storm water discharges. Mitigation measures will be instituted in accordance with site-specific assessments, incorporating appropriate structural and/or non-structural BMPs, such as minimizing time of exposure between construction and re-vegetation, and implementing erosion control measures such as silt fences and sediment basins. No construction activities in conjunction with the proposed project will occur within the adjacent reservoir.

Following construction, the proposed project improvements will increase impervious surface areas within the Petition Area. This will not, however, result in adverse effects from storm runoff to adjacent and downstream areas. New drainage

improvements, which may include drain lines, grass swales, and culverts, will be provided in conjunction with the proposed project. See page 3-38 of Exhibit "6".

e. Electrical, Telephone, and Cable Television Services. Electrical service to the Island School campus is provided by Kaua'i Island Utility Cooperative (KIUC) via an underground duct system to a pad-mounted transformer. In addition, a 200 kW solar photovoltaic facility has been constructed, and is currently operational, on an approximately one-acre site within the northeast portion of the Petition Area. The solar photovoltaic facility includes more than 1,200 solar panels that will generate clean, renewable solar energy to meet the daytime needs of the Island School campus.

Data/telephone service to the Island School campus is provided by Hawaiian Telcom via an underground duct system to distribution equipment located within an electrical room. Fifty (50) pairs are provided to the distribution equipment, with 13 pairs currently in use.

Cable television (CATV) to the Island School campus is provided by Oceanic Time Warner Cable via an underground duct system to distribution equipment located within an electrical room. See page 3-39 of Exhibit "6".

f. Police and Fire Protection. Police protection service for the project area is provided by the County Police Department's Lihue Headquarters, Sectors 4 to 6, located approximately 2.7 miles east of the Petition Area at 3990 Ka'ana Street.

Fire protection service for the project area is provided by the County's Lihue Fire Station located at 4223 Rice Street, approximately 2.1 miles east of the Petition Area. See page 3-35 of Exhibit "6".

g. Educational Facilities. The Project does not include a market/commercial residential component and will not require educational facilities.

h. Recreational Facilities. The Project does not include a market/commercial residential component and will not require recreational facilities.

i. Solid Waste Disposal. The County Department of Public Works (DPW) maintains an Island-wide solid waste collection and disposal system. The existing Kekaha Landfill, located 1.3 miles northwest of the town of Kekaha on the southwest side of the Island, is the primary disposal site for solid waste on the Island. The County is currently seeking a lateral and/or vertical expansion of the Kekaha Landfill which could extend its capacity by about 12 years. The County is also seeking another landfill site as part of its long-term planning objectives.

Currently, refuse generated at the Island School campus is collected by a private refuse collection company and transported to the Kekaha Landfill for disposal.

During construction of the project, a trash management and recycling program will be developed and implemented to minimize solid waste disposal at the County's Kekaha Landfill.

Refuse generated by the Project will continue to be collected by a private refuse collection company and transported to the County Landfill (currently Kekaha Landfill) for disposal. During operation of the project, it is estimated that approximately 0.75 tons of solid waste will be generated per week for disposal at the County's landfill. See page 3-37 of Exhibit "6".

j. Medical Facilities. Emergency medical service is provided by American Medical Response, a private ambulance service contracted by the County to provide ambulance and paramedic services, located at 3277 Palai Street, approximately 2.3 miles northeast of the Petition Area.

Health care services are available at the Wilcox Memorial Hospital located at 3420 Kūhiō Highway, approximately 2.2 miles northeast of the Petition Area. Wilcox Memorial Hospital consists of the main clinic and hospital that provides men's, women's, and children's health care services, specialty services, elderly care, family support, a long-term care units, and education and prevention services. See page 3-35 of Exhibit "6".

18. Location of the Proposed Development to in Relation to Adjacent Land Use Districts and Centers of Trading and Employment. The Petition Area is adjacent to lands in the Agricultural District, including the Kaua'i Community College which is currently seeking reclassification to the Urban District. Centers of trading and

employment close to the Project include the urban communities of Puhi and Lihue containing residential, commercial and industrial centers. See page 1-6 of Exhibit "6".

19. Economic Impacts of the Proposed Development. In the short term, the proposed project will bring about positive benefits to the local economy. This would include increased expenditures for construction, construction-related jobs and tax revenue. Direct economic benefits will result from construction expenditures both through the purchase of material from local suppliers and through the employment of local labor, thereby stimulating that sector of the economy. Indirect economic benefits may include benefits to local retailing businesses resulting from construction activities.

In the long-term, the project will contribute toward positive economic benefits through the employment of labor associated with the increased faculty and staff associated with the updated master plan improvements. An increase of approximately 22 FTE faculty and staff, to the current 62 FTE members, for a total of 84 FTE members, will be required for the future increase in the student enrollment to approximately 500 students. See page 3-32 of Exhibit "6".

20. Housing Needs of Low Income, Low-moderate Income and Gap Groups. The Project does not include a market/commercial residential component and the County's workforce housing ordinance is not applicable.

21. Need for the Reclassification. Petitioner's updated Island School master plan is to accommodate additional campus facilities for future increase in its student

enrollment, currently at approximately 370 students, to approximately 500 students projected over a ten-year period. Petitioner believes that the additional 130 students increase is sufficient to meet the projected future need. Reclassification is consistent with the adjacent Kaua`i Community College which is also seeking reclassification to the Urban District. See page 2-1 of Exhibit "6".

22. Hawai`i State Plan. The proposed project is consistent with the following Hawai`i State Plan objectives and policies:

*Section 226-11 Objectives and policies for the physical environment – land-based, shoreline, and marine resources.*

*(b)(6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawai`i.*

The principal potential impact that the proposed project improvements poses to Hawaiian Petrels, Newell's Shearwaters, and Band-rumped Storm Petrels is the increased threat that birds will be downed after becoming disoriented by outdoor lighting associated with possible nighttime construction activity, and following build-out with exterior lighting associated with the structures and appurtenances that are built within the Petition Area. Should nighttime work be required in conjunction with the project construction, and during operation of the proposed project, all exterior lighting will be shielded to reduce the potential for interactions of nocturnally-flying Hawaiian Petrels, Newell's Shearwaters, and Band-rumped Storm Petrels with external lights and man-made structures.

The principal potential impacts that the proposed project improvements pose to Nēnē are during construction, and following build-out with the increased student enrollment and associated school activities. If construction activity is planned to occur within the Petition Area during the Nēnē nesting season, which typically runs from October through March on Kaua'i, the Petition Area should be surveyed by a qualified biologist prior to the start of construction, to determine if any active Nēnē nesting activity is occurring on the site. If such nesting does occur during construction, it is recommended that a Nēnē monitor be on site during such activity to ensure that no harm occurs to the birds.

Due to the likelihood that the endangered Nēnē will utilize resources within the Petition Area, and the Hawaiian Petrels, Newell's Shearwaters, and Band-rumped Storm Petrels could potentially fall onto the Petition Area during the construction phase of the project, it is recommended that an endangered species awareness program be developed to include general information on the endangered species act and protected species; specific restrictions that will be in force on the job site to protect endangered species; and protocol on who, and how job site personnel will respond to any downed or injured endangered species that may occur on the site. All construction personnel should be required to be familiar with the program, and its guidelines, restrictions and protocols to be followed.



The principal potential impact that the proposed project improvements pose to Hawaiian hoary bats is during the clearing and grubbing phases of the project. Areas of dense vegetation are likely used to some degree by roosting bats. To avoid potential impacts to the Hawaiian hoary bat, the clearing of dense vegetation, including woody plants greater than 15 feet, along the periphery of the Petition Area should not occur between June 1 to September 15, when bats may be carrying young and potentially could be at risk by such clearing activities.

*Section 226-12 Objectives and policies for the physical environment—scenic, natural beauty, and historic resources.*

*(b)(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawai`i's ethnic and cultural heritage.*

During the field inspection survey conducted in conjunction with the archaeological literature review for the Petition Area, a total of four historic surface features related to the Līhu`e Plantation Company, Ltd.'s plantation-era infrastructure were observed. The surface features consist of a reservoir located on a separate parcel adjacent to the south-central portion of the Petition Area (CSH 1), and three irrigation ditches (CSH 2, CSH 3, and CSH 4), two of which are associated with the adjacent reservoir. All of the surface features are currently in use. Based on an evaluation for significance according to the criteria established for the Hawai`i Register of Historic Places, no additional work appears to be necessary for the four features.

The proposed project improvements are not anticipated to have an adverse effect on the historic features related to plantation-era infrastructure. While no

additional work appears to be necessary, consultation with the SHPD is being conducted to determine mitigation, if any, which may be appropriate for the plantation infrastructure features that have been recommended for no further work.

Should any previously unidentified burial, archaeological or historic sites be found during the course of construction of the proposed project, the Petitioner will stop work in the immediate vicinity and the SHPD will be notified immediately. The significance of these finds will then be determined and appropriate mitigation measures will be approved by the SHPD and, as necessary, the Kaua'i/Ni'ihau Islands Burial Council, as appropriate. Subsequent work will proceed after SHPD authorization has been received and mitigative measures have been implemented.

Aside from the four historic surface features related to the Līhu'e Plantation Company, Ltd.'s plantation-era infrastructure, no traditional Hawaiian sites or ancient trail systems were found within the Petition Area during the field inspection survey. Based on the literature review and field inspection survey, no burials are anticipated to be found within the Petition Area. Based on these findings, development of the proposed project will have minimal or no impact upon native Hawaiian cultural resources, beliefs and practices.

*Section 226-13 Objectives and policies for the physical environment – land, air, and water quality.*

*(b)(3) Promote effective measures to achieve desired quality in Hawai'i's surface, ground, and coastal waters.*

*(b)(7) Encourage urban developments in close proximity to existing services and facilities.*

Potential impacts to the quality of nearby surface and near shore coastal waters during construction of the proposed project improvements will be mitigated by adherence to State and County water quality regulations governing grading, excavation, and stockpiling. A NPDES General Permit for Storm Water Associated with Construction Activity, administered by the State DOH, will be required to control storm water discharges. Mitigation measures will be instituted in accordance with site-specific assessments, incorporating appropriate structural and/or non-structural BMPs, such as minimizing time of exposure between construction and re-vegetation, and implementing erosion control measures such as silt fences and sediment basins. No construction activities in conjunction with the proposed project will occur within the adjacent reservoir.

Following construction, the proposed project improvements will increase impervious surface areas within the Petition Area. This will not, however, result in adverse effects from storm runoff to adjacent and downstream areas. New drainage improvements, which may include drain lines, grass swales, and culverts, will be provided in conjunction with the proposed project.

The Petition Area is located within Puhi and in close proximity to Līhu'e, areas which provide existing urban levels of services and facilities, such as civic, schools, Kaua'i Community College, retail/commercial, light industrial, resort, and parks/recreational facilities.

*Section 226-21 Objectives and policies for socio-cultural advancement—  
education.*

*(b)(1) Support educational programs and activities that enhance personal  
development, physical fitness, recreation, and cultural pursuits of all groups.*

*(b)(2) Ensure the provision of adequate and accessible educational  
services and facilities that are designed to meet individual and community needs.*

Island School is Kaua'i's largest private, non-sectarian, independent school accommodating Grades Pre-K through 12, and has a current enrollment of approximately 370 students. Island School's mission is to prepare its students to live productive, fulfilling lives as confident, responsible life-long learners and contributing members of society; to express fully the talents of its faculty and administration through a challenging curriculum that prepares students for successful higher education; and, to provide a safe, nurturing environment that fosters creativity, critical thinking, initiative, and respect for self and others.

The proposed update of the Island School master plan will accommodate additional campus facilities for future increase in its student enrollment, currently at approximately 370 students, to approximately 500 students. An increase of approximately 22 FTE faculty and staff, to the current 62 FTE members, for a total of 84 FTE members, will be required for the future increase in student enrollment. The proposed updated master plan includes new, renovated and expanded classroom buildings; expanded administration facility and visual arts facility; new facilities, including science building, campus center, dining facility, auditorium and stage, arts education building, back-of-house building and courtyard, robotics shed, outdoor

science area, maintenance facility, and informal gathering areas; playground and sports facilities, including physical education (P.E.) facilities, track and football field, soccer field, baseball field, softball field, and outdoor swimming pool; internal loop road with bus parking spaces; school and community drop-off areas; and, additional parking spaces.

### Part III. Priority Guidelines

The purpose of establishing priority guidelines is to address areas of Statewide concern. The proposed project is consistent with the following priority guidelines:

*Section 226-108 Sustainability. Priority guidelines and principles to promote sustainability shall include:*

*(1) Encouraging balanced economic, social, community, and environmental priorities.*

*(5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations.*

*(7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawai'i.*

The project proposes to incorporate Leadership in Energy and Environmental Design (LEED) standards and strategies, to the extent deemed economically feasible, to achieve sustainable site, utilities and building development. Green principles and strategies that are ongoing, or may be created for the proposed project, include those associated with sustainable sites, energy and water efficiency, building design, sustainable transport, and waste stream diversion as further discussed in Section 2.3 of this document.

In addition to these green principles and strategies, Island School will continue the following programs and activities toward achieving sustainability education, both within the campus and in the broader community.

- Kaua`i BOTS is an Island School robotics program that allows participation by students from Kaua`i's three public high schools. Approximately 40 percent of the participants in this cooperative program are public school students, thereby promoting efficient use of resources.
- Approximately 35 organizations currently utilize facilities at Island School, 27 of which do so on a recurring basis. This sharing of facilities reduces the demand for construction of new facilities to serve these organizations.
- Island School has a cooperative program with its neighboring Kaua`i Community College. In addition to receiving committee advisory assistance, the advanced students at Island School have the opportunity to take college level courses at the college. Such sharing of resources promotes sustainability.
- Island School is helping to establish a community garden within its campus through a private grant. The plan is to allow members of the Puhi community to participate in food production and share their gardening knowledge with Island School students.

See page 4-9 of Exhibit "6".

23. Hawai`i Coastal Zone Management ("CZM") Program. The National Coastal Zone Management (CZM) Program was created through passage of the Coastal Zone Management Act of 1972. Hawai`i's CZM Program, adopted as Chapter 205A, HRS, provides a basis for protecting, restoring and responsibly developing coastal communities and resources. The coastal zone management area is defined as all lands of the State and the area extending seaward from the shoreline to the limit of the State's police power and management authority, including the United States territorial sea (§

205A-1, HRS). A discussion of the project's consistency with the objectives and policies under § 205A-2, HRS, of the CZM Program is provided at page 4-12 of Exhibit "6".

24. County of Kaua'i General Plan. The County of Kaua'i General Plan (2000) provides broad policy statements to guide land use regulations, new developments and facilities, and planning for County facilities and services.

On or about November 2, 2012, Petitioner filed its Petition for County General Plan Amendment to amend the County General Plan Land Use Map for the Petition Area from the Agriculture designation to the Urban Center designation.

The Council of the County of Kaua'i approved the petition and passed Ordinance No. PM-2013-404 on March 13, 2013 and changed the Petition Area from "Agriculture" to "Urban Center".

The amendment to the Urban Center designation is consistent with the existing Urban Center designation of the adjacent Kaua'i Community College campus, as well as lands to the south, makai of Kaumuali'i Highway. Further, the amendment does not have a significant impact on adjoining or nearby agricultural lands as the proposed updated master plan improvements will occur entirely within the Petition Area, of which the majority of the site is currently developed as the Island School campus. See page 4-19 of Exhibit "6".

25. County of Kaua'i Lihu'e Development Plan. The County's Lihu'e Development Plan, adopted by County ordinance in 1976, provides physical, social and

economic measures which relate specifically to these communities. The Lihu'e Development Plan was amended on June 3, 2015 and Petition Area is designated for urban use. See page 4-23 of Exhibit "6".

26. County of Kaua'i Comprehensive Zoning Ordinance. The County's Comprehensive Zoning Ordinance (CZO) establishes procedures for the division of the County into land use districts, and creates regulations for the types, size, placement, and control of structures within various zoning district classifications. The CZO also delineates the respective types of permitted uses and the development that can take place in those zoning districts.

The zoning designations for the Petition Area are Agriculture District (A) and Open District (O). A Use Permit will be required since the proposed school improvements are not generally permitted within the Agriculture District (A) and Open District (O). A Class IV Zoning Permit will be required because a Use Permit is being sought. The application for Use Permit and Class IV Zoning Permit is processed by the County Planning Department and approved by the County Planning Commission. See page 4-24 of Exhibit "6".

27. County of Kaua'i Special Management Area. The Hawai'i Coastal Zone Management (CZM) Act (Chapter 205A, HRS) is the basis of the Hawai'i CZM Program as discussed in Section 4.3 of Exhibit "6". The Act establishes objectives, policies and guidelines upon which all counties within the State have structured specific legislation



which designated Special Management Areas (SMA). Any development located within the SMA requires a County-issued SMA permit, which on Kaua'i is administered by the County Planning Department. The Petition Area is located outside of the SMA boundaries and, therefore, does not require a SMA Use Permit. See page 4-24 of Exhibit "6".

28. Development of the Property. Development of the Property will be substantially completed within ten (10) years after the date of the Commission's approval.

29. Hawaiian Customary and Traditional Rights. Petitioner is aware of and sensitive to the existence and practice of native Hawaiian customary and traditional rights that are protected by Article XII, Section 7 of the Hawai'i State Constitution. Based on research into the history of the area, there are no known traditional gathering activities or cultural practices affecting the Property. A cultural impact assessment for the Property has been prepared and is included in Exhibit "6".

30. Written Comments from Agencies and Organizations. Written comments from agencies and organizations are included in Exhibit "6".

Based on the foregoing, Petitioner respectfully requests that the Commission finds that the Petition meets the standards for determining Urban District boundaries pursuant to HAR § 15-15-18, and amends the land use district boundary of the Property from the State Land Use Agricultural District to the State Land Use Urban District.

DATED: Honolulu, Hawai'i, May 18, 2016.



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