

OFFICE OF PLANNING

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LAND USE COMMISSION
STATE OF HAWAII

2016 DEC 29 A 11: 26

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)	DOCKET NO. A16-801
)	
UNIVERSITY OF HAWAII)	OFFICE OF PLANNING’S STATEMENT
COMMUNITY COLLEGES)	OF POSITION; CERTIFICATE OF
)	SERVICE
To Amend the Land Use District Boundary)	
of Approximately 149.37 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) 3-4-)	
07: 01, 02, 03, and 06)	

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 the University of Hawaii Community Colleges at Kauai Community College (“Petitioner”), and 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 148.37 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) 3-4-07: 01, 02, 03, and 06, being proposed for reclassification under this Petition.

LUC Proceedings

On November 23, 2016, the LUC approved a Petition for Declaratory Order by the Petitioner, through their agent, requesting a waiver of the incremental development schedule and map requirements in HAR 15-15-78(a)(1), due to its inability to forecast the availability of public funds and community population growth prior to obtaining land use entitlements.

Proposed Use of the Petition Area

Petitioner proposes to reclassify 148.37 acres of the total 199-acre campus. The 148.37 acre portion of the campus 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 Kauai Community College (“KCC”) within a 99-acre area has been permitted through a State Special Permit granted by the LUC on April 6, 1973. Other facilities on the Petition area include two Hawaii Language Immersion schools on parcel 02 called the Punana Leo O Kauai Pre-school, and the Kawaikini New Century Public Charter School. The Kawaikini New Century Public Charter School, a K-12 grade school, was also established by a Special Permit granted by the County of Kauai on May 26, 2009.

The Petitioner is requesting the reclassification in order to allow for expansion of the KCC 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 development plan for the Petition area. Petitioner currently has an enrollment of about 700 full time equivalent students (“FTE”). Petitioner proposes to provide for an increased enrollment up to 3,000 FTE students.

Petitioner’s Exhibit 2 indicates that the draft KCC Long Range Development Plan (“LRDV”) indicates several proposed new buildings, however, Petitioner’s Exhibit 3, Final

Environmental Assessment indicates that any new development will undergo further study, as provided under Chapter 343, HRS.

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 wetland areas within the Petition area. The three areas are Puhi Reservoir, and areas near forks of Puhi stream and an abandoned reservoir/detention basin. 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 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 June 4, 2012, from the State Historic Preservation Division, Department of Land and Natural Resources indicated that a full archaeological inventory survey (AIS) of the project area be completed, and also a formal preservation plan should be prepared for the Puhi cemetery. The Petition includes a Final Archaeological Inventory Survey dated April 2016. However, the Petition does not include a formal Preservation Plan for the Puhi Cemetery. We note that the Petitioner is not proposing any major development at this time.

Transportation

The Final EA includes Appendix D, a Traffic Impact Study. As noted in our comments regarding the Draft EA, dated July 1, 2011, the study was based on the year 2020, with 1,038

FTE students. Since the Petition indicates a total capacity of 3,000 FTE students for the campus, and not 1,038 FTE students, this discrepancy should be addressed.

Agriculture

The Petition area is designated as B, C and E, and not classified by the Land Study Bureau. Approximately 50% of the lands are rated as B. Within the Agricultural Lands of Importance within the State of Hawaii, the Petition area is not classified, with some areas within Prime or Other Lands. See Figures 3-2 and 3-3 in the Petitioner's Final EA.

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, December 29, 2016.

OFFICE OF PLANNING
STATE OF HAWAII



LEO R. ASUNCION
Director

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approximately 149.37 acres at Puhi, Lihue,)	
Island of Kauai, State of Hawaii,)	
TMK: (4) 3-4-07:01, 02 03, and 06.)	

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, December 29, 2016.

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STATE OF HAWAII



LEO R. ASUNCION
Director