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LAND USE COMMISSION
STATE OF HAWAII

2017 MAR -3 A 11: 33

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 TESTIMONY
COMMUNITY COLLEGES	)	IN SUPPORT OF PETITION WITH
	)	CONDITIONS; OP EXHIBIT 4 AND 7;
To Amend the Land Use District Boundary	)	CERTIFICATE OF SERVICE
of Approximately 148.37 Acres of Land)	
from the Agricultural District into the Urban)	
District at Puhi, Lihue, Island of Kauai,)	
State of Hawai'i, Tax Map Key No: (4) 3-4-)	
07: 01, 02, 03, and 06)	
)	

OFFICE OF PLANNING'S TESTIMONY
IN SUPPORT OF PETITION WITH CONDITIONS

The Office of Planning ("OP") recommends approval of University of Hawaii Community Colleges, aka Kauai Community College's ("Petitioner") Petition to reclassify approximately 148.37 acres of land from the State Agricultural District to the Urban District at Puhi, Lihue, Island of Kauai, subject to conditions. OP's recommendation is based on the representations of the Petitioner and documents filed to date in these proceedings, consultation with affected government agencies, and the statutes and regulations applicable to these proceedings.

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 parcels, Tax Map Key (“TMK”) No.s (4) 3-4-07: 01, 02, 03, and 06, 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 section 15-15-78(a)(1), Hawaii Administrative Rules (“HAR”), 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. Kauai Community College is a two-year public college, and the only public institution of higher education on the island of Kauai. 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 was 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 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, Hawaii Revised Statutes (“HRS”).

Petition Area Description and County Land Use Designations

The Petition Area consists of approximately 148.37 acres, originally established in 1928 as a vocational school and then to Kauai Technical School run by the State Department of Education, and finally transferred to the University of Hawaii in 1964, and subsequently renamed Kauai Community College.

The majority of the campus facilities is located on TMK parcel 03. The Petitioner’s Diversified Agriculture Program utilizes about 14 acres of land on TMK parcel 02, southwest of the main campus. The Puhi reservoir, located along the boundaries of parcel 02 and 03, provides irrigation water for the diversified agriculture program through an irrigation ditch system which extends mauka in a northwesterly direction. Parcel 01 is heavily vegetated within the northern side of the Petition Area. The Puhi Cemetery owned by Grove Farm is within Parcel 05, and is not within the Petition Area. See Figures 2-2 to 2-7 of the Petitioner’s Final Environmental Assessment.

The Petition Area is bordered by Island School, the subject of another Petition (A16-800) located to the north and northeast of the Petition Area. Agricultural land uses border the Petition Area on the north, west, and southwest sides. Chiefess Kamakahahei Middle School and WMCA is located across from the Petitioner on the southeast intersection of Nuhou Street and Kaumualii Highway. Kaumualii Highway borders the Petition Area to the south and is the main access for the Petition Area. See OP Exhibit 2.

The Petition Area is generally consistent with the County of Kauai’s General Plan. The Petition Area is within the Urban Center, and is also designated as a Public Facility for the community college. Zoning for the Petition Area is Open and Agriculture. The Lihue Community Plan designates the Petition Area as within the Urban Edge Boundary. The Lihue Community Plan Section 5.10.4 contains a policy goal that would encourage and support a

“Land Use [Boundary] Amendment to establish Urban designation for KCC [Petitioner] and Island School to accommodate future expansion of both campuses.”

Discussion of Issues Of Concern to the State

The following discusses Project impacts and recommendations to avoid, minimize, or mitigate reasonably foreseeable impacts caused by the proposed Project with respect to areas of State concern under section 205-17, HRS, and Chapter 15-15, HAR.

Impacts on Areas of State Concern, Section 205-17(3), HRS

Natural Systems and Habitats

Water Resources. According to the Final Environmental Assessment (“FEA”), there are several streams within the Petition Area and vicinity. The Puhī Stream flows south through the west side of the Petition Area, converging into the Hoinakaunalehu Stream that forms into Papakolea Stream. Papakolea Stream is used as part of Grove Farm’s irrigation ditch system, and also flows through the Huleia National Wildlife Refuge. Eventually, the Papakolea Stream converges into Huleia Stream, and then into Nawiliwili Bay.

The Puali Stream is perennial and begins in the middle of the Petition Area, and flows south to Nawiliwili Bay. Nawiliwili Stream is located off site, north of the Petition Area. The northern portion of the Petition Area might drain towards this stream.

Drainage and Stormwater Management. According to the Final Environmental Assessment/Finding of No Significant Impact (“FONSI”), stormwater runoff from the Petition Area flows into a major detention basin located east of the main campus, and two drainageways located on either side of the main campus. The Petition Area also has many natural drainage channels and streams on site. Also, runoff is directed by a series of catch basins, swales, intake boxes, and ditches to detention basins in the southeast portion of the Petition Area. The runoff is then directed across Kaunaulii Highway to Halehaka Reservoir which feeds into Halehaka Stream. No major construction is proposed at this time.

The State Department of Health’s (“DOH”) requirements and strategies, “to support sustainable and healthy design [is] provided at: <http://health.hawaii.gov/epo/landuse>. Projects are required to adhere to all applicable standard comments. [DOH] has recently updated the environmental Geographic Information System (GIS) website page. It now compiles various maps and viewers from our environmental health programs. The eGIS website page will be

continually updated so please visit it regularly at: <http://health.hawaii.gov/epo/egis>.” See OP Exhibit 3.

Mitigation: Since no major development is proposed at this time, OP will rely on Petitioner’s representations and compliance with applicable federal, State, and County codes and rules governing stormwater and drainage flows and water quality.

Flora and Fauna.

According to the FEA, the National Wetlands Inventory Maps identified three wetlands within the Petition Area. Two of the wetlands are forks in Puhī Stream, and one is an abandoned reservoir which is currently used as a detention basin.

The FEA indicated that there are several endangered bird species detected in the Petition Area, 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 Petition Area. The Hawaiian Hoary bat was not observed, however, mitigation measures are outlined within the FEA for the species. The Petition indicates that they will institute an endangered species awareness program. The FEA also indicates that lighting will be shielded and/or directed downward to mitigate impacts to the nocturnal Hawaiian Petrels and Newell Shearwaters. The FEA also indicates measures to mitigate impacts to the Hawaiian Hoary Bat and the Hawaiian Goose.

The U.S. Fish and Wildlife Service (“USFWS”) submitted comments to OP on the project, expressing several concerns with adverse impacts to several listed species or their habitats, and proposes conditions relating to their concerns. See OP Exhibit 6. The following is a summary of their concerns.

1. According to the USFWS, the Petition Area is frequented by or traversed by the following species: Endangered band-rumped storm-petrel and Hawaiian Petrel, threatened Newell’s Shearwater; the endangered Hawaiian Hoary Bat, and the endangered Hawaiian goose. There is no critical habitat in the Petition Area.
2. The peak fallout period for the seabirds listed in No. 1 above are between September 15 through December 15.
3. In order to minimize potential impacts to the Hawaiian goose, a qualified biologist should survey the area for nesting activity prior to and during any construction,

between October and March. The Hawaiian goose has an extended breeding season, between August and April. USFWS recommends that a biologist familiar with the nesting habits of the Hawaiian goose survey the area prior to the initiation of any work. If a nest is discovered, work should cease immediately and USFWS should be contacted for further guidance. Further, if a Hawaiian goose should appear within 100-feet of ongoing work, all activity should be temporarily suspended until the Hawaiian goose/geese leaves the area.

4. Petitioners propose to shield lighting should construction be required at night, to mitigate seabird mortality. USFWS recommends that construction occur only in the daylight, and further that all exterior lighting at the Petitioner's facilities should also be positioned to minimize and mitigate seabird mortality.
5. USFWS recommends mitigation measures for the Hawaiian goose.
 - a. Biological monitor should conduct goose and nest surveys at the project site prior to project initiation, and after any subsequent delay in activities of three or more days.
 - b. Any documented nests or broods within the project vicinity should be reported to USFWS for further guidance.
 - c. Biological monitoring should be implemented during all construction or earth moving activities to ensure that Hawaiian goose and nests are not adversely impacted.
 - d. If a Hawaiian goose is observed within the project site or flies into the site while activities are occurring, the biological monitor should halt all activities within 100-feet of the individual(s). Work should resume when the Hawaiian goose leaves on its own accord.

Mitigation: OP recommends that conditions be imposed on the Petitioner similar to the recommendations of the FEA and USFWS.

Flora. A botanical survey was conducted in August 2010. According to the survey, no plant species currently listed as endangered, threatened or proposed for listing were recorded within the Petition Area. The study notes that one listed species was observed as growing within a Hawaiian native plant garden on the campus.

Air Quality. The Petitioner's FEIS states that some short- and long-term impacts on air quality will occur through direct and indirect releases or emissions during the Project's construction phase and operation, but will not cause a violation of national and State air quality standards at buildout. The Petitioner is not proposing any new major construction at this time.

Noise. According to the Petition, ambient noise is from vehicular traffic along Kaumualii Highway. Short term noise impacts may result from proposed construction activities.

Mitigation: OP will rely on Petitioner compliance with applicable federal, State, and County laws and rules and best practices to address air and noise quality impacts during onsite and offsite construction.

Valued Cultural, Historical, or Natural Resources

Archaeology. On April 15, 2016, the Petitioner's revised archaeological inventory survey ("AIS") completed for the Petition Area was reviewed and accepted by the State Department of Land and Natural Resources, State Historic Preservation Division ("SHPD"). Four historic sites were found within the Petition Area. An historic trash deposit, irrigation complex still in use, Puhi Camp Cemetery, also still in use, and a Hawaii Territory Survey marker and transit station. No further work is recommended for the sites, and the Puhi Camp Cemetery is recommended for a preservation plan. Most of the cemetery is located outside of the Petition Area. However, a recommendation is that the cemetery be utilized for educational and interpretative purposes related to the plantation era. SHPD requested better documentation of the other sites, and additional subsurface testing.

Cultural Survey. Petitioner completed a Cultural Impact Assessment (CIA), and concluded that there were no known traditional and customary native Hawaiian rights exercised within the Petition Area. The Office of Hawaiian Home Lands indicated that Hawaiian Homestead community associations and other Native Hawaiians should be contacted to better assess potential impacts to cultural and natural resources, access, and other traditional and customary practices of Native Hawaiians. See OP Exhibit 3.

Mitigation: OP requests that the Commission impose its standard conditions related to archaeological and historic preservation, discovery, and protection of established access rights. OP will rely on Petitioner's representations and compliance with applicable State laws and rules to address mitigation in this area.

Natural Resources Relevant to Hawai'i's Economy

Agricultural Lands. The majority of the Petition Area lands are not classified. About 20 percent of lands in the north area are "Prime" lands, and about 10 percent of lands are classified as "Other Lands" in the Agricultural Lands of Importance to the State of Hawai'i ("ALISH") productivity rating system. Within the Land Study Bureau ("LSB") productivity rating systems about 50 percent of lands have been classified as "B" lands, about 10 percent as "C" lands, about 25 percent as "E" lands, and about 30 percent has not been classified.

Since the Petition Area has been used for school purposes since 1928, it is unlikely that the land will revert back to agricultural use.

Sustainability. The FEA indicates that Leadership in Energy and Environmental Design (LEED) standards and strategies shall be incorporated in construction designs. In general the University of Hawaii Community Colleges are upgrading their facilities statewide to use energy efficient measures as a part of their on-going energy performance program. Petitioner will comply with section 196-9, HRS, energy efficiency and environmental standards for State facilities, motor vehicles, and transportation fuel.

Commitment of State Funds and Resources

Lihue Airport, Highways and Transportation Improvements.

Lihue Airport. The Petition Area is located about two miles from Lihue Airport. The Department of Transportation ("DOT") has the following comments. See OP Exhibit 4.

1. The Federal Aviation Administration ("FAA") manages air space with regard to height restrictions for development, and tall equipment for construction. Approval must be obtained from the FAA for structures and equipment around Lihue Airport.
2. Petition Area is also subject to compatible land use requirements in the FAA advisory, *Hazardous Wildlife Attractants On or Near Airports*. In general, 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 into or across the approach or departure space. This includes using appropriate landscaping that deters bird nesting and foraging.
3. In general, there is a risk of exposure to aircraft fumes, smoke and sound and vibration resulting from aircraft flight operations over the Petition Area.

4. All photovoltaic (“PV”) systems must operate to a non-glint and non-glare PV system to eliminate the blinding hazard for pilots in the air traffic paths to and from Lihue Airport.
5. Petitioners are subject to compatible land use requirements pursuant to Chapter 262, HRS, Airport Zoning Act. The Petitioners should be aware of the duties of the 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

Mitigation recommendation: OP recommends imposition of a condition requiring consultation and compliance with FAA and DOT requirements for new installations and construction on the Petition Area.

Transportation. Access to the Petition Area is from Kaumualii Highway. The DOT has provided the comments which are summarized below.

The Petitioner will be updating their 1999 long range development plan. DOT requests that the Petitioner coordinate with DOT to address the traffic impacts that the Petitioner proposes. The 2010 Traffic Impact Report (“TIR”) should be updated to include the Petitioner’s expansion plans, and also include a discussion of these projects: Lihue-Hanamaulu Bypass Project-alignment possibilities connecting to Kaumualii Highway, Kaumualii Highway widening from Anonui Street to the Kipu Road area from two to four lanes, and the proposed construction and expansion of Island School facilities.

Public Schools. Since the Petitioner provides secondary education facilities for the County of Kauai, there should be no significant impact to the State Department of Education.

Hawaii Emergency Management Agency. The State Department of Defense, Hawaii Emergency Management Agency (previously Civil Defense) had no comments for the Office of Planning.

Other Issues of Concern

Potable Water. According to Petitioner’s FONSI, potable water is already provided by the County Department of Water. There are two water tanks within the Petitioner’s property.

Wastewater. According to the Petition, wastewater service is provided by private Puhi Wastewater Treatment Plant. The Puhi plant has sufficient capacity to service the Petition Area.

SUMMARY DISCUSSION OF CONFORMITY WITH DECISION-MAKING CRITERIA FOR BOUNDARY AMENDMENTS

The following summarizes OP's assessment of the Petition's conformity with applicable district standards, planning statutes, plans, and other criteria the Commission must consider in decision-making for a district boundary amendment petition.

Applicable District Standards

The Petition Area is currently located in the State Agricultural District. OP finds that the property meets the standards set forth in section 15-15-18, HAR, for determining State Urban District boundaries, in that the Project site is adjacent to existing urban development. Basic services are adequate in the general area. The Project site is not within the Special Management Area.

Hawai'i State Plan, Priority Guidelines, and State Functional Plans

With appropriate mitigation, the proposed reclassification is generally consistent with the goals, objectives, and policies of the Hawai'i State Plan. The property is within the County's Urban Edge Boundary in its Lihue Community Plan, and designated Urban Center in the General Plan.

Coastal Zone Management Objectives and Policies, Section 205A-2, HAR

The Petition Area lies within the State's Coastal Zone Management (CZM) Area, which includes all lands of the State and the area extending seaward from the shoreline to the territorial limit. The Petition Area is not within the Special Management Area. No new construction is proposed at this time. However, with appropriate mitigation with respect to stormwater management, protection of endangered, threatened and candidate wildlife, archaeological, historic, and cultural resources, the Petition generally conforms to the State CZM objectives and policies.

Areas of State Concern

The Project contributes favorably to the creation of job and educational opportunities. With appropriate mitigation measures as discussed above, the Petitioner can minimize the impacts to State concerns.

Removal of High Capacity Agricultural Lands, Lands in Agricultural Use, or Lands Designated as Important Agricultural Lands

The Petitioner is a State secondary education institution and has been in continuous operation since the 1928, nearby to other urban uses. The Petitioner is proposing to reclassify most of its lands from the State Agricultural to the Urban Land Use District to continue and facilitate the viability of the community college use already on-site, and also to improve and expand the Kauai Community College without the necessity of going through amendments to, or new, State Special Permits.

County Plans

The Petition is consistent with the County of Kauai's General Plan and Lihue Community Plan. The County supports and encourages the Petitioner's request to reclassify the Petition Area from the State Agricultural to the State Urban Land Use District.

Public Trust Resources

Sections 205-4 and 225M-2(b)(5), HRS, authorizes OP to develop and present the position of the State in all boundary change petitions and proceedings before the Commission. We note that the Hawaii Intermediate Court of Appeals recently decided *Kauai Springs v. Planning Commission of the County of Kauai* (April 30, 2013), which required that decision-makers specifically consider the applicant's use of public trust resources pursuant to Article XI, section 1 of the Hawaii Constitution. OP has made "appropriate assessments" and "require(d) reasonable measures" to protect public trust resources. This public trust evaluation has been integrated into the analysis and recommendations provided herein.

RECOMMENDATION

Based on the foregoing information and analysis, OP recommends the approval of the Petition subject to the Petitioner's commitments to avoid, minimize, or mitigate Project impacts as represented herein and in this proceeding, and the imposition of conditions in addition to the standard conditions of the Commission.

1. **Stormwater Management and Drainage Improvements.** The Petitioner shall maintain existing drainage patterns. To the extent feasible, Petitioner shall implement Best Management Practices and incorporate Low Impact Development ("LID") practices for onsite stormwater capture and reuse into Petition Area's site design and landscaping to control water quality and mitigate nonpoint sources of pollution.
2. **Lihue Airport.** Petitioner shall comply with the State Department of Transportation and the Federal Aviation Administration's various Hawaii Revised Statutes, Hawaii Administrative Rules, and Federal directives, memorandum, and laws, regarding new construction and installation of equipment, buildings, photovoltaic panels, and other relevant activities, including endangered, threatened, and listed wildlife species on the Petition Area, relating to its proximity to the Lihue Airport.
3. **Highways.** Petitioner shall coordinate with DOT to update the 2010 Traffic Impact Report ("TIR") to include the expansion plans of Petitioner's facilities, and also include a discussion of these projects: Lihue-Hanamaulu Bypass Project-alignment possibilities connecting to Kaumualii Highway, and Kaumualii Highway widening from Anonui Street to the Kipu Road area from two to four lanes. Petitioner shall plan, design, and construct all improvements required to mitigate the impacts generated or related transportation impacts by Petitioner's expansion plans, as reviewed and approved by the DOT.
4. **Previously Unidentified Burials and Archaeological/Historic Sites.** In the event that historic resources, including human skeletal remains, are identified during construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD, Kauai Island Section, shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of

construction of the Project, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.

5. **Endangered Species.** Petitioner shall undertake the following:
 - a. During the construction phase of the project, an endangered species awareness program shall be developed which includes general information on the endangered species act and protected species, specific restrictions on the job site to protect endangered species and, and protocols on how job site personnel will respond to any downed or injured endangered species that may occur on the site. All construction personnel shall be required to be familiar with the program, guidelines, restrictions and protocols that will need to be followed.
 - b. If construction activity is planned to occur during the Nene nesting season of October through March on Kauai, the project site should be surveyed by a qualified biologist before the onset of construction to determine if any active nesting activity is occurring on the site. If active Nene nesting does occur during construction, a biological monitor shall be on-site to ensure that no harm befalls the birds.
 - c. For any nighttime work required during construction, and for long term operation of the proposed facility, all exterior lighting shall be shielded so as to reduce the potential for interactions of nocturnally flying Hawaiian Petrels and Newell's Shearwaters with external lights and man-made structures.
 - d. 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 shall not occur between June 1 to September 15 when bats may be carrying young and potentially could be at risk by such clearing activities.
6. **Compliance with Representations.** The Petitioner shall develop the Petition Area in substantial compliance with the representations made to the Commission as reflected in the Findings of Fact, Conclusions of Law, and Decision and Order. Failure to so develop the Petition Area may result in reversion of the Petition Area to its former classification, or change to a more appropriate classification.

DATED: Honolulu, Hawaii, March 3, 2017

OFFICE OF PLANNING
STATE OF HAWAII

A handwritten signature in black ink, appearing to read 'Leo R. Asuncion', written over a horizontal line.

LEO R. ASUNCION
Director

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 TESTIMONY
COMMUNITY COLLEGES	)	IN SUPPORT OF PETITION WITH
	)	CONDITIONS; OP EXHIBIT 4 AND 7;
To Amend the Agricultural Land Use	)	CERTIFICATE OF SERVICE
District Boundary into the Urban District for)	
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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COMMUNITY COLLEGES

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MAUNA KEA TRASK,

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KAUA'I COUNTY PLANNING COMMISSION
c/o Planning Department, County of Kaua'i
4444 Rice Street
Lihue, Kaua'i, Hawai'i 96766

DATED: Honolulu, Hawaii, March 3, 2017.

OFFICE OF PLANNING
STATE OF HAWAII



LEO R. ASUNCION
Director

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
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IN REPLY REFER TO:

STP 8.2090

March 3, 2017

TO: LEO R. ASUNCION, DIRECTOR
OFFICE OF STATE PLANNING

FROM: FORD N. FUCHIGAMI
DIRECTOR OF TRANSPORTATION

SUBJECT: KAUAI COMMUNITY COLLEGE (KCC) CONTINUED OPERATION AND
EXPANSION
PETITION FOR AMENDMENT OF THE STATE LAND USE DISTRICT
BOUNDARIES
LAND USE COMMISSION DOCKET NO. A16-801
PUHI, LIHUE, KAUAI, HAWAII
TMK: (4) 3-4-007:001, 002, 003 AND 006

Our Department of Transportation's (DOT) comments on the subject project are as follows:

Airports Division (DOT-AIR)

KCC is located approximately two (2) miles from Lihue Airport (LIH) and will be subject to the following aviation operational conditions, safety provisions and protocol:

1. Installation of structures that will penetrate the Federal Aviation Administration (FAA) air space at LIH, pursuant to FAA's "Notice of Proposed Construction or Alteration" (also known as Form 7460-1), will require responsible parties to submit to FAA, Form 7460-1 for approval prior to installation. This requirement is codified at Title 14, Part 77.9 of the Code of Federal Regulations. The management of FAA protected air space with regard to height restriction, is applicable to tall equipment, such as cranes, that may be used during construction. FAA Form 7460-1 and criteria for its submittal can be found at the following website: <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
2. There is generalized risk of exposure, for KCC, to aircraft-generated fumes, smoke, propagated sound wave vibration, odors, etc., resulting from aircraft flight operations over existing use-developments and proposed (future) developments.

3. Developers must adhere to a non-glint and non-glare photovoltaic (PV) system operational policy so as to eliminate the blinding hazard for pilots in air traffic flight paths to and from LIH. The following website provides guidance for the preparation of a glint and glare analysis to meet the specified safe pilot-visual requirement for an FAA protected air space: <https://share.sandia.gov/phlux>.

The highest rated non-glare PV material is best suited to not reflect radiating solar rays of light that cause glint and glare to pilots. An operating PV system that deviates from the non-glint and non-glare aviation air space requirement will be deemed an aviation visual hazard by DOT-AIR.

Thus, if glint or glare from an operating PV system creates a blinding hazard for pilots, then owner of the PV system must correct the hazard upon notification of the owner by DOT-AIR. The FAA can also serve notice to the owner and the owner will also have to make corrective action to eliminate glint and glare.

In addition, operating PV installations have been known to emit radio frequency noise that may create radio frequency interference (RFI) to aviation-dedicated radio signals, disrupting the reliability of air-to ground communications. An owner must ensure that an operating PV installation will not create any RFI so as to not interfere with any aviation communication frequency.

4. KCC is subject to compatible land use requirements pursuant to Hawaii Revised Statutes, Chapter 262 – Airport Zoning Act.
5. KCC land use is also subject to compatible land use requirements pursuant to the Federal Aviation Administration Advisory Circular, *Hazardous Wildlife Attractants On or Near Airports* 150/5200-33B.
6. KCC and future developers for the property, designated for urban land use, are subject to municipal obligations (of city and state) promulgated in a Technical Advisory Memo (TAM) reflected to current land uses and future land uses with 5 miles of LIH. Details of the TAM can be accessed from the following world-wide web link:
http://files.hawaii.gov/dbedt/op/docs/TAM-FAA-DOT-Airports_08-01-2016.pdf.

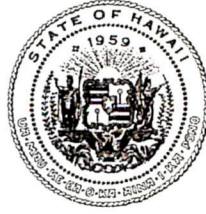
Highways Division (DOT-HWY)

While the DOT-HWY does not object to re-designation of the KCC campus from Agricultural to Urban district, we offer the following comments:

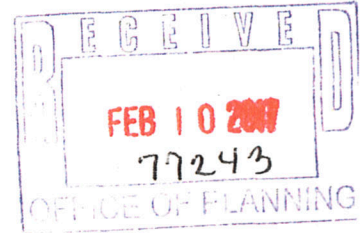
1. We understand KCC will be updating the 1999 KCC Long Range Development Plan (LRDP) that will include the expansion of KCC facilities.
2. We request KCC work with DOT to satisfactorily address the traffic impacts of the KCC expansion on the State's highway facilities in an update to the 2010 Traffic Impact Report (TIR) that was prepared for the KCC 2012 Final Environmental Assessment.
3. The updated TIR should include KCC expansion plans, satisfactorily address our concerns identified in our prior letters, HWY-PS 2.3917, dated January 24, 2013 and STP 8.0490, dated July 12, 2011 (copies attached) and consider the following projects in the area:
 - a. The Lihue-Hanamaulu Bypass Project that considers alignment possibilities connecting to Kaunualii Highway in the vicinity of KCC.
 - b. The widening of Kaunualii Highway from Anonui Street to the Kipu Road area from two to four lanes (identified in DOT's Statewide Transportation Improvement Program (STIP) for 2019 and 2020.
 - c. The proposed construction and expansion of the Island School facilities located at TMK: (4) 3-8-002:016.

If there are any questions, please contact Mr. Norren Kato of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7976.

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 8, 2017

State of Hawaii
Department of Business, Economic
Development & Tourism
Office of Planning
Attention: Mr. Leo R. Asuncion, Director
235 South Beretania Street, 6th Floor
Honolulu, Hawaii 96813

Dear Mr. Asuncion:

SUBJECT: Petition of Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A16-801; Requested Change: State Agricultural to State Urban District for the University of Hawaii Kauai Community College Continued Operation and Expansion

Thank you for the opportunity to review and comment on the subject matter. In addition to the comments previously sent you on January 20, 2017, enclosed are comments from the Engineering Division on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Russell Y. Tsuji".

Russell Y. Tsuji
Land Administrator

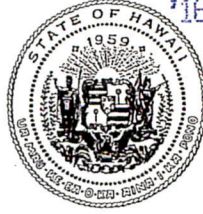
Enclosure(s)
cc: Central Files

DAVID Y. IGE
GOVERNOR OF HAWAII

RECEIVED
LAND DIVISION

16 DEC 20 AM 10:40 ENGINEERING

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT



FEB -7 AM 11:47

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 19, 2016

MEMORANDUM

TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation

FROM:

- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Kauai District
- Historic Preservation

FR/OM: To:
SUBJECT:

Russell Y. Tsuji, Land Administrator
Petition of Amendment of the State Land Use District Boundaries: Land Use Commission
Docket No. A16-801; Requested Change: State Agricultural to State Urban District for the
University of Hawaii Kauai Community College Continued Operation and Expansion

LOCATION:
APPLICANT:

Lihue, Island of Kauai; TMK: (4) 3-4-007: 001, 002, 003 & 006
University of Hawaii Community Colleges

Transmitted for your review and comment is information on the above-referenced project. We would appreciate your comments on this project which can be found at:

1. <https://hawaiioint.sharepoint.com/sites/dlnr-ld> (using the Chrome browser)
2. Username: your Hawaii.gov email address
3. Password: outlook password (if you do not know it, please contact IT by email to reset and get a password)
4. Click on: Request for Comments, then click on the subject link –KCC SLUBD Petition (Final Submission & Exhibits). Please contact Susan Lau at (808) 587-0427 or susan.k.lau@hawaii.gov if there are any issues accessing the document.

Please submit any comments by January 19, 2017. If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact Lydia Morikawa at 587-0410. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:
Print Name: Cary S. Chang, Chief Engineer
Date: 1/5/17

cc: Central Files

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LD/Russell Y. Tsuji

Ref: Petition of Amendment of the State Land Use District Boundaries: Land Use Commission Docket No. A16-801; Requested Change: State Agricultural to State Urban District for the University of Hawaii Kauai Community College Continued Operation and Expansion

COMMENTS

The rules and regulations of the National Flood Insurance Program (NFIP), Title 44 of the Code of Federal Regulations (44CFR), are in effect when development falls within a designated Flood Hazard.

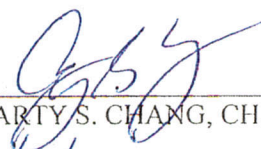
The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zone designations can be found using the Flood Insurance Rate Map (FIRM), which can be accessed through the Flood Hazard Assessment Tool (FHAT) (<http://gis.hawaiiinfip.org/FHAT>).

Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may take precedence over the NFIP standards as local designations prove to be more restrictive. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- o Oahu: City and County of Honolulu, Department of Planning and Permitting (808) 768-8098.
- o Hawaii Island: County of Hawaii, Department of Public Works (808) 961-8327.
- o Maui/Molokai/Lanai County of Maui, Department of Planning (808) 270-7253.
- o Kauai: County of Kauai, Department of Public Works (808) 241-4846.

The applicant should include water demands and infrastructure required to meet project needs. Please note that the projects within State lands requiring water service from their local Department/Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.

The applicant is required to provide water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update projections.

Signed: 
CARTY S. CHANG, CHIEF ENGINEER

Date: 1/5/17