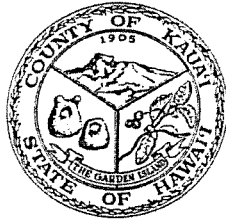


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January 16, 2017

MEMO TO: DANIEL E. ORODENKER
Executive Director
Land Use Commission
State of Hawaii'i
P.O. Box 2359
Honolulu, Hawaii'i 96804

FROM: ^{FOR} Department of Planning, County of Kauai ^{KUH}
Michael A. Dahilig, Director

SUBJECT: **DOCKET No. A16-800 / Island School**

TRANSMITTED ARE THE FOLLOWING:

COPIES	DATE	DESCRIPTION
Original and 6 copies	01/16/17	Department of Planning, County Kauai Position Statement and Certificate of Service

- For your information & files
- For approval & signature
- Per your request
- For your review and approval
- See REMARKS below
- For filing

REMARKS: **LAND USE COMMISSION** – Please return a file-stamped copies of the Position Statement to us in the enclosed self-addressed stamped envelope. Thank you for your courtesy in this matter.

DEPARTMENT OF PLANNING
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BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of)	DOCKET NO. A16-800
)	
ISLAND SCHOOL)	POSITION STATEMENT OF THE
)	DEPARTMENT OF PLANNING, COUNTY
To Amend the Agricultural Land Use)	OF KAUA'I; CERTIFICATE OF SERVICE
District Boundary into the Urban District for)	
approximately 38.448 acres at Puhi, Līhu'e,)	
Island of Kaua'i, State of Hawai'i,)	
TMK: (4) 3-8-002:016)	
_____)	

**POSITION STATEMENT OF THE
DEPARTMENT OF PLANNING, COUNTY KAUA'I**

In accordance with Section 15-15-55 of the State Land Use Commission Rules, the DEPARTMENT OF PLANNING, COUNTY OF KAUA'I ("Department"), submits its comments in support of the petition to amend the land use district boundaries of approximately 38.448 acres of land at Puhi, Līhu'e District, Kaua'i, Hawai'i ("Petition Area"), from its current State Land Use Agricultural District to the State Land Urban District for the Island School campus that was filed by Island School ("Petitioner") through its attorneys, MATSUBARA, KOTAKE & TABATA.

BACKGROUND INFORMATION

Zoning and Site Information

1. The Petition Area of 38.448 acres consists of one (1) parcel, Tax Map Key (TMK) (4) 3-8-002:016.
2. Since 1991, the Petition Area has functioned as a private school subsequent to the school's move from its former location in Keālia. The Island School campus currently enrolls three hundred seventy (370) students and the school plans to expand the campus to accommodate up to five hundred (500) students.

3. The Petition Area is situated along the northern boundary of Kaumuali'i Highway and across the Puhi Subdivision and commercial uses along Puhi Road in the Līhu'e District. The Petition area lies approximately two miles from Līhu'e Town Core.

4. The Petition Area is adjacent to Kaua'i Community College (KCC) campus, Pūnana Leo Pre-School, and Kawaikini New Century Public Charter School (Kawaikini NCPCS). KCC, Pūnana Leo and Kawaikini NCPCS are both located on properties owned by the University of Hawai'i.

5. The University of Hawai'i has also submitted a petition for a similar boundary amendment for properties encompassing KCC, Pūnana Leo, and Kawaikini NCPCS.

6. The County General Plan Designation for the Petition Area was amended from "Agriculture" to "Urban Center" on March 13, 2013 (PM-2013-404), in order to allow the parcel to be more consistent with its current urban character as a school campus, as well as with the existing urban lands and developments adjacent to and in the vicinity makai of Kaumuali'i Highway. The reclassification of the Petition Area will allow the improvements in the proposed Updated Island School Master Plan to be implemented.

7. The County Zoning designation for the Petition Area is Agriculture (Ag) with approximately ten (10) acres within Open (O) Zoning. Uses makai of the highway include Urban Commercial, Residential, and General and Light Industrial.

8. The Petition Area is outside of the Special Management Area (SMA).

9. Pursuant to the Līhu'e Community Plan (2015), the Petition Area lies within the Urban Edge Boundary. The purpose of the Urban Edge Boundary is to preserve agricultural lands by focusing higher density growth and development within the designated boundary.

10. The Petition Area is not included in any Important Agricultural Lands designated within the Līhu'e District. The Petition Area's continued operation as a school and small size makes it an unlikely candidate for a County-led IAL designation.

11. The Petition Area supports two types of vegetation areas: (1) landscaping around the existing school buildings, roads and other appurtenances such as the athletic field; and, (2) minimally or unmaintained areas representing proposed campus expansion areas. A botanical survey conducted by AECOS Consultants in 2010 reported 4% native indigenous species common to lowland areas of Hawai'i growing within the Petition Area. Except for those purposefully landscaped area within the Petition Area, there are no endemic or threatened/endangered species within the Petition Area.

12. A fauna survey was conducted in 2010 by Rana Biological Consulting, Inc. The threatened/endangered/endemic Short-Eared Owl "Pueo" (*Asio flammeus sandwichensis*), Hawaiian petrel (*Pterodroma sandwichensis*), a subspecies of the Newell Shearwater (*Puffinus*

auricularis newell), and the Storm Petrel (*Oceannodroma castro*) which may fly over or utilize resources within the Petition Area were not observed during this survey. However, the Petitioner has addressed this shortcoming within the Petition. No significant impacts on fauna within the Petition area are anticipated from construction and operation of the school. No listed candidate or proposed threatened or endangered avian or mammalian species under either the Federal or State endangered species statutes will be disturbed or adversely impacted as a result of the proposed project.

13. An archaeological literature review and field inspection of the Petition Area was conducted by Cultural Surveys Hawai'i, Inc., in 2010. In addition, a Cultural Impact assessment (CIA) was also conducted by Cultural Surveys Hawai'i, Inc., in 2012. A total of four historic surface features related to the Līhu'e Plantation Company Ltd., were observed during the survey, three of which are within the Petition Area. The surface features include a reservoir (CSH 1) located on a separate parcel adjacent to and outside of the Petition Area, and three irrigation ditches (CSH 2, CSH 3, and CSH 4), two of which (CSH 3 and CSH 4) are associated with the adjacent reservoir (CSH 1). All of the surface features are currently in use. The proposed re-designation and improvements are not anticipated to have an adverse effect on the historic features related to plantation-era infrastructure. No project improvements are proposed to be constructed within or in the immediate vicinity of the plantation-era infrastructure. However, the State Historic Preservation Division, in a letter dated September 18, 2012, in response to the pre-assessment consultation conducted for the Draft EA, indicated that although the subject property was formerly used as agricultural land, the potential exists for subsurface historic properties below the cultivation zone. As recommended by SHPD, ground disturbing activities associated with development projects will be monitored by a qualified archaeologist, and an archaeological monitoring plan will be prepared and submitted to the SHPD for review and approval. The monitoring plan will include information as specified in Hawai'i Administrative Rules (HAR) 13-279.4.

14. 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, 3-8% slopes (PnB), with a sliver along the southwestern boundary classified as Puhi silty clay loam, 8-15% slopes (PnC). This soil type is well drained, developed in material derived from basic igneous rock, and occurs on broad interfluves 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.

15. *The Detailed Land Classification – Island of Kaua‘i* published by the University of Hawai‘i Land Study Bureau 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.

16. A Traffic Impact Assessment Report (TIAR) dated 12/10 was also conducted to assess the potential impact of expanding the Island School Campus, in particular, on the interior access (looped) roadway owned by the University of Hawai‘i. The Petition states that, “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 carpooling 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.” Both Island School and Kaua‘i Community College contributed to the construction of roadway extension to Kaumuali‘i for both campuses. In regard to traffic impact in the immediate area of Puhi makai of the Petition Area, it should be noted that the TIAR included in the updated master plan for Island School was prepared prior to the widening of Kaumuali‘i Highway.

Permit History

17. The Petitioner has applied for a series of special permits between 1991 and 2012 to operate urban uses such as classrooms, an administration facility, gym and pool within the State Land Use Agricultural District. Special Permits were required because such uses are not outright permitted within the State Land Use Agricultural District.

18. Island School was originally permitted at its present location in Puhi under Special Permit Number SP-91-2, Zoning Permit Number Z-IV-91-6 and variances for improvements on land and placing of buildings. The school site originally included accommodation for grades pre-Kindergarten to fourth grade. The Petitioner subsequently updated their master (site) plan and permits, in April of 2006. The revised master plan included the following:

Phase I Improvements:

- A sports complex consisting of: 1) a 14,000 sq. ft. gymnasium with a regulation basketball court or two regulation volleyball courts; 2) a locker facility of approximately 4,800 sq. ft., including boys and girls lockers and showers/toilet, instructor’s office/shower, laundry/janitorial and trainer’s room, physical education/meeting room, and weight room; and, 3) deferred construction of an 8-lane, 25 meter outdoor swimming pool.
- A Hawaiian cultural pavilion of approximately 1,700 sq. ft.

Future Phase Improvements:

- Additional classrooms
- New library/learning center
- Cafeteria with student lounge
- Performing arts building

19. In February 2010, the County Planning Department approved construction of a science building, but not the planned locker room/weight room and 25m swimming pool, which were both deferred to a later development timeline. The planned 2-story science building, consisting of approximately 14,000 sq. ft. of total floor area, is located within the original 10-acre master plan area, and within the Phase I area of the revised master plan.

20. In July 2012, the County issued a building permit for the construction of a 200 kilowatt (kW) solar photovoltaic facility on an approximately 1-acre site with the northeast portion of the Petition Area. The solar photovoltaic facility included more than 1,200 solar panels that will generate solar energy to meet the daytime needs of the Island School campus. The construction of this solar facility was completed in November 2012, and is currently operational.

CONSISTENT WITH KAUA‘I’S GENERAL PLAN AND LĪHU‘E COMMUNITY PLAN

21. The proposed boundary amendment will align the existing campus activities that are currently permitted through permits and future planned campus programs and activities with the overall vision for the Petition Area pursuant to Kaua‘i’s General Plan and Līhu‘e Community Plan.

2000 General Plan

22. Pursuant to Section 5.4 of the Kaua‘i General Plan (2000) regarding Urban Land Uses, a key policy for preserving Kaua‘i’s rural character is to promote the growth and development of compact urban areas. Specifically, Section 5.4.1. provides, that “lands included within the Urban Center designation shall be centers of government, commerce and transportation that serve the entire county or [large] region.” Uses may include, “shopping centers, government offices, churches *or other institutions*.” Island School is adjacent to other educational facilities/campuses (namely KCC), which are currently within in the Urban Center designation. Island School has existed as a school campus in its current location (Petition Area) since 1991. The school is accessible from Kaumuali‘i Highway and is located a short distance from the Līhu‘e Town Core and other Urban land uses which serve the greater community.

23. Pursuant to the Education Section in the 2000 General Plan, Section 8.3.1 sets the following policy:

Strive for a strong education system which provides Kaua‘i’s children, teens, college students, and adults with the knowledge and skills needed to obtain a well-paying job on Kaua‘i.

24. Although the 2000 General Plan recognizes “that public education is primarily a State responsibility,” the Plan seeks to support schools’ needs through land use policy. (Section 8). This designation is specifically provided to encourage further development of the Petition Area, the KCC campus and surrounding schools as an education center of Kaua‘i.

25. With regard to enhancing towns and communities, the 2000 General Plan detailed that new regional growth and development of public facilities “shall be concentrated in the Puhi-Līhu‘e-Hanamā’ulu urban center,” which contains the Petition Area’s approximately 38.448 acres. (Section 6.3 and 6.3.4.2(a)(1)).

26. The Līhu‘e Planning District was recognized as generating “50 percent of the island’s jobs” and “the center of vital services for the island.” (Section 6.3.2).

27. Directing new development is equally as important as maintaining open space between towns. Thus, the 2000 General Plan specifies that the designated Urban Centers and Town Centers are meant to be well-defined, compact, and mixed-use (with both residential and commercial uses) to limit public service costs and support open space preservation. (Section 5.1.1).

28. The 2000 General Plan’s overall vision and land use policy goals for the Puhi area is consistent with the existing and future planned campus programs and activities of the Petition Area. Thus, the 2000 General Plan supports the boundary amendment.

Līhu‘e Community Plan

29. The proposed boundary amendment is consistent with the Līhu‘e Community Plan, which was formally signed into law on June 22, 2015.

30. The Līhu‘e Community Plan states that Puhi will continue to serve as a major commercial and employment center for the island. (Section 5.10.4)

31. The Līhu‘e Community Plan encouraged the intensification of mixed-use development (residential and commercial) makai of the highway and along Puhi Road to create a more walkable and compact *college town* setting to support students, faculty, and residents.

32. The entire Petition Area also lies within the Urban Edge Boundary (“UEB”), which is a regional boundary that is intended to limit urban sprawl and define where higher density urban development should be contained. The UEB works to preserve agricultural lands by directing new growth and development within existing centers and proposed new centers. By defining areas where higher densities are permitted, areas outside of the UEB will be preserved

for low density land uses such as open space, conservation, and agriculture. (Figure 5-2 – Līhu‘e Community Plan Land Use Map are attached as Exhibit A).

33. The State Department of Agriculture’s *Agricultural Lands of Importance in the State of Hawai‘i* (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.

34. The Department used a “scoring” calculator that rates the degree in which land meets the criteria of *Important Agricultural Lands* (HRS Chapter 205 Part III) and found that the Petition Area received a 24.73 out of 40 maximum points. Because of the continued use of the parcel as a school campus, its relatively small size, and “IAL score” being less than 28 points, the potential of the Petition Area as being a candidate for *county-led* designation of IAL is highly unlikely. In addition, the Petition Area is entirely outside of currently designated Important Agricultural Lands in the Līhu‘e District. (Figure 5-3, page 101 is attached as Exhibit B).

35. Furthermore, the specific policy goals contained in Section 5.10.4 of the Līhu‘e Community Plan supports the boundary amendment to establish an Urban designation for the Petition Area to accommodate future expansion of its campus. Specifically, the policies of the Līhu‘e Community Plan for Puhi, Pū‘ali, and Nūhou are the following:

- Encourage residential and commercial growth of areas makai of Highway along Puhi Road.
- Enliven the Puhi town center through mixed use and high density residential in areas surrounding Kukui Grove and along Puhi Road.
- Preserve Pū‘ali as open space, and rezone to preclude future development.
- Provide for increased commercial development along the makai side of Kaumuali‘i Highway near the Puhi Road intersection to support the KCC population and the local community.
- **Encourage a Land Use Amendment to establish Urban designation for KCC and Island School to accommodate future expansion of both campuses.**
- Consider future development of select areas mauka of the highway to be developed as KCC’s enrollment reaches capacity. (Section 5.10.4 (emphasis added)).

Therefore, the proposed land use amendment to re-designate the Petition Area from Agricultural to Urban is an action that is consistent with and supported by the Līhu‘e Community Plan.

36. Finally, the boundary amendment to SLUD Urban will better facilitate the community's vision to support the continuance and expansion of educational facilities in Puhi, including the Island School campus. Under SLUD Urban, schools, classrooms, and community centers are uses that are more compatible with the purpose and intention of SLUD Urban. In addition, the proposed boundary amendment to the SLUD Urban will implement the policies and actions set forth by the Līhu'e Community Plan (2015) and 2000 General Plan.

FINDING OF NO SIGNIFICANT IMPACT

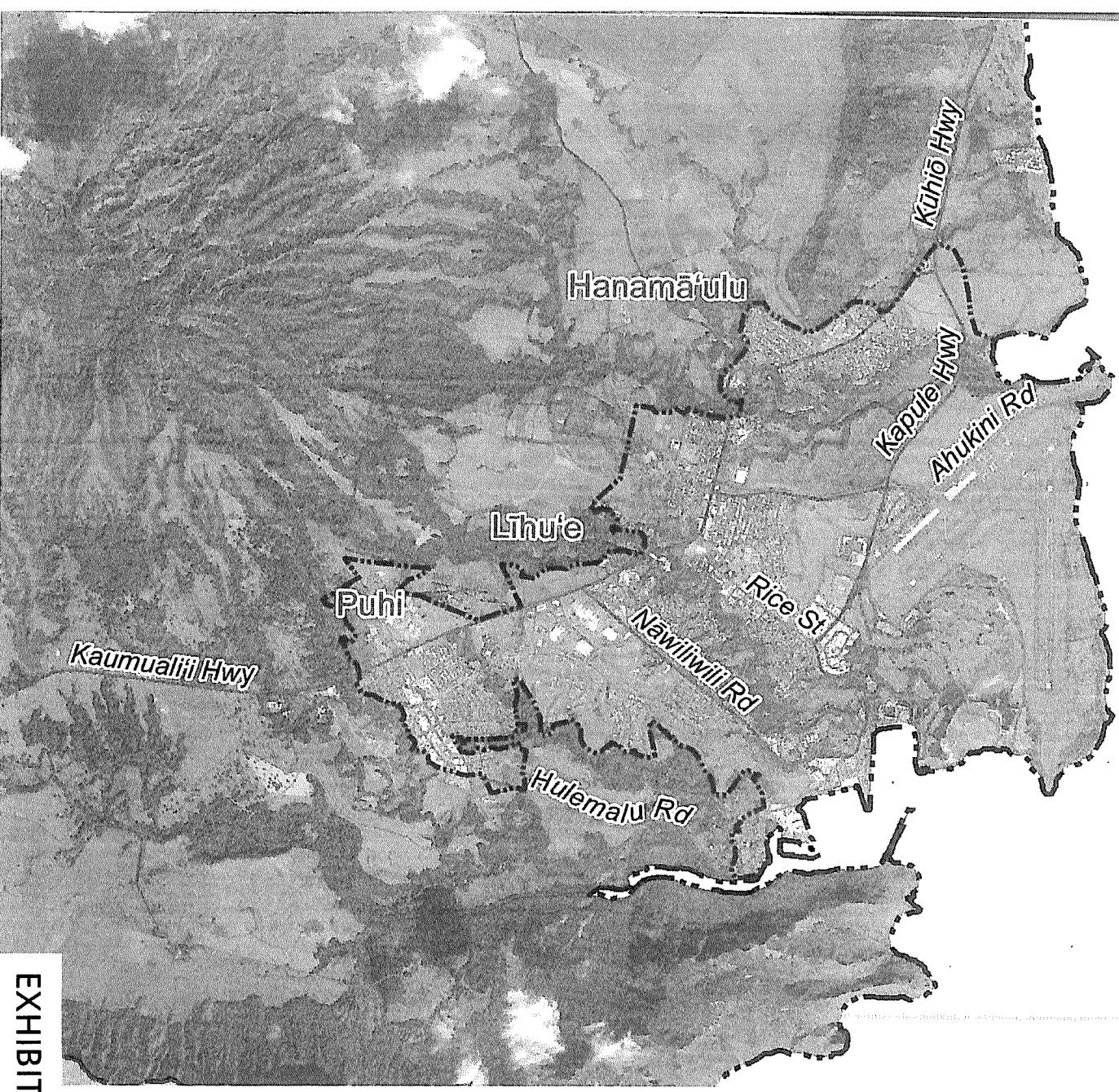
37. A Finding of No Significant Impact (FONSI) was issued for the Island School Updated master Plan in January of 2013.

RECOMMENDATION

Based on our review of the information provided in the Petition, the Department of Planning supports the petition to amend the land use district boundaries of 38.448 acres of land, comprising all of TMK: (4) 3-8-002:016 (Petition Area) from its current State Land Use Agricultural District to the State Land Use Urban District for the Island School campus. The proposed amendment is consistent with the 2000 General Plan and Līhu'e Community Plan. In addition, urban uses such as schools, classrooms, and community centers are more compatible with the purpose and intention of SLUD Urban, which will work to support the continuance and expansion of Island School and surrounding schools within the Petition Area.

Dated: Līhu'e, Kaua'i, Hawai'i, January 13, 2017.


FOR MICHAEL A. DAHILIG
Planning Director
Department of Planning



5.1.2 Urban Edge Boundary

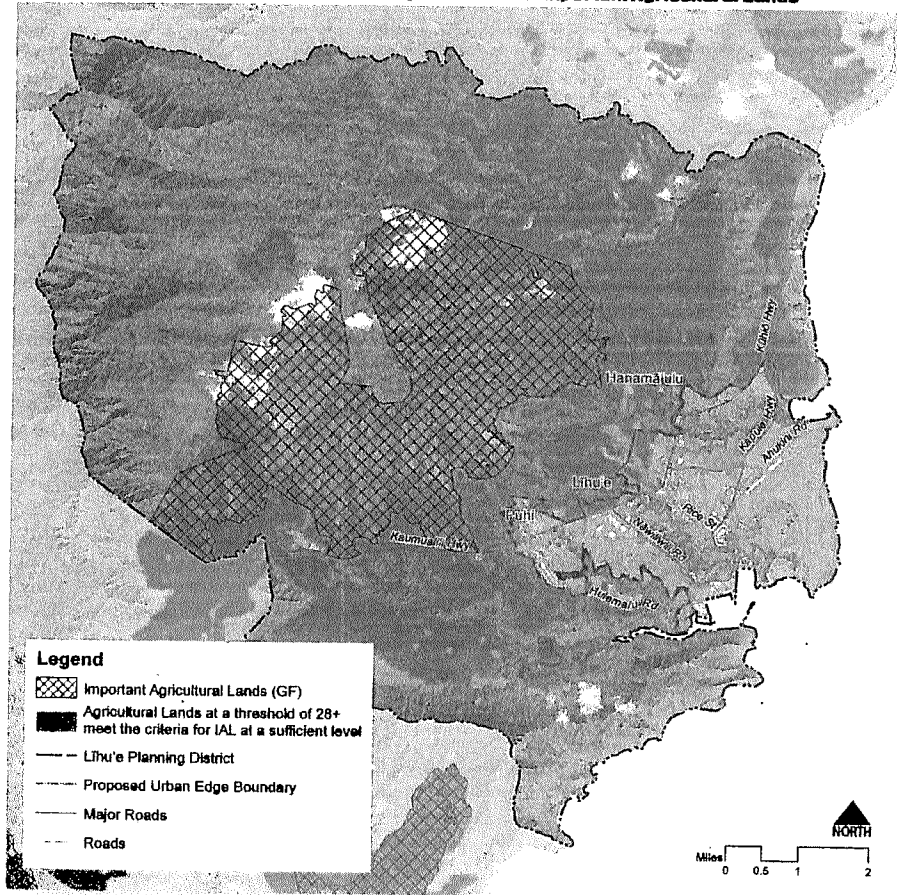
The Lihue LCP recommends an Urban Edge Boundary (UEB) for Lihue as shown on Figure 5-2. The UEB is a regional boundary intended to limit urban sprawl. It defines where higher density urban development should be contained. Areas outside the UEB are intended for lower density land uses such as open space, conservation, and agriculture.

The proposed Urban Edge Boundary will facilitate preservation of agricultural lands and uses by focusing future growth and development within the areas identified as existing centers and proposed new centers. There are no Important Agricultural Lands (IAL) designated within the UEB, and the great majority of lands that may qualify as candidate IAL are outside the UEB as well (see Figure 5-3). Providing for concentrated and compact growth in these delineated areas and implementing a UEB will greatly enhance the County's ability to encourage and enforce preservation of the Lihue District's agricultural lands into the future.

Figure 5-2 Proposed Urban Edge Boundary for Lihue District



Figure 5-3 Proposed Urban Edge Boundary in Relation to Important Agricultural Lands



5.1.3 Urban Areas

General Plan guidance on urban areas is shown at right. It clearly calls for steering away from sprawl and dispersed growth, and instead focusing on compact development with clear boundaries and green spaces between towns. This approach has been validated during the LCP process through community input and outreach, and it informed the recommendations for future land use and growth contained in the preceding Chapter.

Policies

The following policies pertain to urban areas within the Līhu'e District.

- Adopt land use designations and associated development regulations to create the walkable, compact, mixed use development called for in the Vision and Guiding Principles.
- Concentrate the majority of development within a 10-minute walking radius of the existing urban centers of Līhu'e, Hanamā'ulu, Pūhi, and Nāwiliwili.
- Prioritize the revitalization and intensification of the Līhu'e Town Core as the focal point of the Līhu'e District.
- Provide for commercial and industrial uses sufficient to support the basic needs of each community.
- Encourage mixed uses within the urban cores of Līhu'e, Hanamā'ulu, Pūhi, and proposed new centers.
- Implement the design standards and guidelines set forth in the Līhu'e Town Core Urban Design Plan (Ordinance 894).

- Implement an Urban Edge Boundary to clearly delineate boundaries of future urban development within the Līhu'e District.
- Delineate strong edges between the communities of Līhu'e, Hanamā'ulu, and Pūhi through land use designations and the Urban Edge Boundary.
- Consider a Transfer Development Rights (TDR) Program in Līhu'e as a mechanism for encouraging higher density development within the urban core.

KAUAI GENERAL PLAN GUIDANCE ON URBAN AREAS

Businesses, residences and other urban uses are concentrated in Kauai's towns and residential communities, occupying only five percent of the total land area. To minimize highway traffic and avoid urban sprawl, new residential communities are centered around the major towns and job centers of Līhu'e-Hanamā'ulu-Pūhi and Kōloa-Po'ipū...

Expansion of urban areas, particularly new shopping centers and other retail developments which attract a large amount of vehicular traffic, are controlled to avoid urban sprawl and strip development along the highway. Town edges are clearly defined, and scenic corridors are maintained along the highways and major roads between towns.

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In the Matter of the Petition of) DOCKET NO. A16-800
ISLAND SCHOOL)
To Amend the Agricultural Land Use)
District Boundary into the Urban District for) CERTIFICATE OF SERVICE
approximately 38.448 acres at Puhi, Lihu'e,)
Island of Kaua'i, State of Hawai'i,)
TMK: (4) 3-8-002:016)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the POSITION STATEMENT OF THE DEPARTMENT OF PLANNING, COUNTY OF KAUA'I, was duly served by depositing the same in the U.S. mail, postage prepaid, upon the following:

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Dated: Līhu‘e, Kaua‘i, Hawai‘i, January 13, 2017.


7012 MICHAEL A. DAHILIG
Planning Director
Department of Planning