MEMORANDUM

TO: Cord D. Anderson, Vice Chair and Members of the Planning Commission

FROM: Kathy K. Sokugawa, Acting Director Department of Planning and Permitting

SUBJECT: State Land Use District Boundary Amendment of 14.85 Acres from the State Agricultural District to the Urban District and State Land Use District Boundary Amendment of 0.03 Acres from the State Urban District to the Agricultural District for the Brigham Young University – Hawaii Campus, Laie, Oahu

Tax Map Keys: 5-5-006: Portions of 005 and 5-5-006: Portion of 032

Transmitted for appropriate action is our report and recommendations for approval of a State Land Use District Boundary Amendment (SLUDBA) of 14.85 acres from the State Land Use (SLU) Agricultural District to the Urban Land Use District and a SLUDBA of 0.03 acres from the SLU Urban District to the Agricultural District proposed by Brigham Young University – Hawaii (BYU-H). While the SLUDBA involves two boundary amendment actions, it will be treated as one SLUDBA petition.

The proposed SLUDBA conforms to the policies and guidelines of the Hawaii State Plan and the General Plan of the City and County of Honolulu. It also conforms to both the currently adopted and proposed Koolau Loa Sustainable Communities Plan (KL SCP) and is within the established Rural Community Boundary of the KL SCP and Planned Review Use (PRU) boundary of the BYU-H campus. The proposal is to allow the expansion of student housing on campus.

Based on the conclusions in this report, the Department of Planning and Permitting (DPP) recommends approval of the SLUDBA with certain conditions, pursuant to Hawaii Revised Statutes (HRS), Section 205-3.5, namely the protection of access to and farming of adjacent agricultural lands, the filing of a Cultural Impact Assessment to satisfy the requirements of HRS Section 205-17, and the filing of an annual status report to the DPP.

It is anticipated that the SLUDBA will further the mission of BYU-H to improve the educational experience by increasing the percentage of enrolled students living on campus, as well as reducing traffic throughout the community. The expansion of student housing on campus is not anticipated to result in any significant impact on public facilities.
The approval of these campus facilities and improvements will be addressed by a new PRU permit currently being processed by the DPP as an updated Five-Year Campus Master Plan.

Attachment

cc: R. M. Towill Corporation
    BYU-H
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October 24, 2018
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cc: R. M. Towill Corporation
    BYU-H
DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAI‘I

IN THE MATTER OF THE APPLICATION
OF
BRIGHAM YOUNG UNIVERSITY – HAWAI‘I
FOR A
STATE LAND USE DISTRICT BOUNDARY
AMENDMENT OF 14.85 ACRES FROM
THE STATE AGRICULTURAL DISTRICT TO
THE URBAN DISTRICT AND STATE LAND
USE DISTRICT BOUNDARY AMENDMENT
OF 0.03 ACRES FROM THE STATE URBAN
DISTRICT TO THE AGRICULTURAL DISTRICT

FINDINGS OF FACT, ANALYSIS,
CONCLUSIONS OF LAW, AND RECOMMENDATION

I. APPLICATION

A. Basic Information.

APPLICANT/LANDOWNER : Brigham Young University – Hawaii (BYU-H)
AGENT : R. M. Towill Corporation
LOCATION : BYU-H campus at 55-220 Kulanui Street, Laie, Oahu. Six non-contiguous areas comprise the Petition Area. They are located along the western and southern edges of the existing campus between Naniloa Loop and Quarry Road, west of the Polynesian Cultural Center (PCC) in Laie, Hawaii (Attachment 1).

TAX MAP KEYS (TMK) : 5-5-006: portions of 005 and 5-5-006 portion of 032
LAND AREA : 14.85 acres in 5 areas of TMK: 5-5-006: 005 are proposed to be reclassified to the State Land Use (SLU) Urban District and a 0.03 acre area of TMK: 5-5-006: 032 is proposed to be reclassified to the SLU Agricultural District (Attachment 1).
STATE LAND USE DISTRICTS: 14.85 acres in the SLU Agricultural District and 0.03 acres in the SLU Urban District. The entire Petition Area is within a Planned Review Use boundary (Attachment 2).

EXISTING ZONING: The Petition Area is entirely within the AG-1 Restricted Agricultural District (Attachment 3).

SHORELINE SETBACK AREA/SPECIAL MANAGEMENT AREA: The Petition Area is outside the Special Management Area and the Shoreline Setback Area.

DEVELOPMENT PLAN AREA: Koolau Loa Sustainable Communities Plan (KL SCP). The Petition Area is within the KL SCP Rural Community Boundary (RCB).

KOOLAU LOA PUBLIC INFRASTRUCTURE MAP (KL PIM): West of the Petition Area is KL PIM No. 2 for a potable well and south of the site is KL PIM No. 3 for another potable well (Attachment 4).

FLOOD HAZARD AREAS: Approximately 2.86 acres are within Flood Zone X; approximately 2.56 acres within Flood Zone AE; approximately 9.23 acres are in Flood Zone A; and 0.20 acres are in Flood Zone AH (Attachment 5).

EXISTING USES: Paved and gravel parking lots and grassy open space areas that are integrated with the campus drainage system as detention areas. The only structure in the Petition Area is an approximately 800-square foot Electric Utilities Transformer and Telecommunications Building (EUTBB).

SURROUNDING LAND USES: To the north and northeast lies the existing campus, The Church of Latter Day Saints Laie Hawaii Temple, and the residential community of Laie. To the west, is open space, limited agricultural cultivation, a cultural preservation area (Nioi Heiau), Hawaiian Studies area, the Ethno-botanical Garden and Biology Research Area (EBRA), Laie Trucking Company Limited (LTCL), Laie Wastewater Reclamation Facility (LWRF), agricultural roads, various utility installations including a wastewater pump station, a Liquid Petroleum Gas (LPG) storage facility, developed potable water wells, and the mountainous State Conservation areas at the edge of the Koolau Mountain Range. To the south, lie the vacant lands for the campus expansion, Wailele Stream, campus athletic fields, and to the southeast an existing R1 wastewater leach field (infiltration field) that is used to dispose treated effluent from the LWRF. The land south of Wailele Stream is comprised of agricultural
land. To the east, the Polynesian Cultural Center (PCC) is located between the east border of the campus and Kamehameha Highway. Makai of the highway are single-family residential uses.

B. **Proposal.** The Applicant, BYU-H proposes to amend the SLU District boundaries by: (1) reclassifying 14.85 acres of land from the SLU Agricultural District to the SLU Urban District, and (2) reclassifying 0.03 acres of land from the SLU Urban District to the SLU Agricultural District. While this constitutes two separate boundary amendment actions, this SLUDBA application is processed as a singular petition. The proposed SLUDBA involves six non-contiguous areas (Petition Area) located adjacent to existing campus facilities **(Diagram 1 – BYU-H Conceptual Site Plan).**

The planned expansion and ongoing campus renovation projects are designed to modernize and grow the University's offerings with the goal of increasing the percentage of single and married-students living on campus from 75 to 95 percent thereby improving the quality of the students' learning and living environment. Student enrollment (full time and part time) is planned to increase from 2,900 (2,700 full-time equivalent [FTE]) to 3,500 (3,200 FTE) over the next five years. The six, non-contiguous areas comprising the Petition Area, constitute a portion of the University's next phase of growth.

Pursuant to Hawaii Revised Statutes (HRS) Section 205-4.5, the proposed student housing and other campus facilities, are not allowed uses within the SLU Agricultural District. Therefore, a SLUDBA is required to expand the SLU Urban District boundary to include these campus expansion areas. In addition to accommodating the planned campus expansion, the proposed SLUDBA application also brings existing land uses (namely, student and the PCC employee parking lot) into conformance with HRS Chapter 205.

C. **Background.** The BYU-H campus is located within a 210.8-acre area identified by TMK parcels: (1) 5-5-006: 005, 032 and 035. BYU-H lands are located within the SLU Urban and Agricultural Districts. The existing and developed campus facilities, including academic buildings, university housing, student amenities, administration and support facilities, and the LWRF are located within the SLU Urban District, totaling approximately 110.8 acres. The SLU Agricultural District portion of the campus, totaling approximately 100 acres, primarily contains undeveloped open space, limited agricultural cultivation, a cultural preservation area (Nioi Heiau), Hawaiian Studies area, the EGBRA, the LTCL operations yard, agricultural roads, and various utilities.

On May 7, 1997, BYU-H obtained PRU Permit No. 94/PRU-4 by City Council Resolution No. 96-321, CD1, which served as a Five-Year Campus Master Plan and established the current PRU campus boundary. The Master Plan recognized 33 existing structures and proposed the construction of seven new buildings. However, since 1996, 13 separate minor modifications to the original PRU have been granted to permit a number of other on-campus construction projects consisting of chapel expansions, new classrooms, student dormitories, recreational facilities, parking lots, and utility facilities. The 14.85 acres of the Petition Area within the SLU Agricultural District are within the area covered by the existing PRU **(Attachment 2).**
BYU-H is concurrently submitting a separate PRU application for a new Five-Year Campus Master Plan to reflect the previous PRU Minor Modifications and to indicate future planned projects to modernize and expand campus facilities for the planned growth in total student enrollment. The SLUBDA will allow these planned projects to move forward.

D. **Authority for a SLUBDA.** In accordance with Sections 205-3.1(c) and 205-4 HRS, the County is authorized to process and approve a SLUBDA when 15 acres or less (except lands in the SLU Conservation District or designated as Important Agricultural Lands (IAL)).

E. **Description of the Proposed Project.** The planned campus expansion includes:

   - Three new, single-student dormitories (Hale 11, 12, and 13) each with 312 beds.
   - Two new, married-student Temple View Apartment (TVA) buildings 26 and 27 adding 56 more units.

Only the proposed TVA building 26 and approximately half of the proposed TVA building 27 will be in the existing SLU Urban District. If the SLU district boundaries are not amended, the other half of TVA building 27 (Area 2) and the other new buildings proposed in the Petition Area (Area 5) would be in the SLU Agricultural District (Diagram 1 – BYU-H Conceptual Site Plan) where such uses are not permitted.

F. **Phasing and Approximate Costs.** Implementation of the planned student housing expansion will commence in three stages upon receipt of necessary permits and available funding (estimated cost $124 million for the 5 buildings and associated infrastructure). Each stage is summarized below.

   - 2020-2022: Construct Hale 11 and TVA 26: (Estimated Cost - $47 million)
   - 2021-2023: Construct Hale 12 and TVA 27: (Estimated Cost - $42 million)

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

A. **Description of Site/Surrounding Land Uses.**

1. **Location and Current Use.** The Petition Area, comprised of six non-contiguous areas, spreads along the western and southern edges of the existing BYU-H campus adjacent to married-student housing, classrooms, student dormitories, and the campus facilities shop. The Petition Area consists mostly of paved parking lots, grassy areas, and vacant open space. The only building in the Petition Area is the EUTTB, approximately 800 square feet in size. Tables 1 and 2 list the existing uses within each of the six non-contiguous areas.
Table 1: Current Land Use of Proposed SLU Urban District Expansion Areas

<table>
<thead>
<tr>
<th>Location</th>
<th>Area (acres)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Area (Area 1)</td>
<td>0.12</td>
<td>Grassed open space north and adjacent to married student TVA building 25.</td>
</tr>
<tr>
<td>Northwest Area (Area 2)</td>
<td>0.50</td>
<td>Existing grassed open space area; 20 stalls of an existing, 34-stall paved parking lot for the proposed TVA building 27.</td>
</tr>
<tr>
<td>West Area (Area 4)</td>
<td>2.70</td>
<td>Existing 112-stall gravel parking lot, grassed detention area, and EUTBB (existing).</td>
</tr>
<tr>
<td>South Area (Area 5)</td>
<td>10.00</td>
<td>Inactive agricultural land, vacant open space</td>
</tr>
<tr>
<td>Southeast Area (Area 6)</td>
<td>1.53</td>
<td>Existing 127-stall paved PCC parking lot.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>14.85</strong></td>
<td></td>
</tr>
</tbody>
</table>

Table 2: Current Land Use of Proposed SLU Agricultural District Expansion Area

<table>
<thead>
<tr>
<th>Location</th>
<th>Area (acres)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between Northwest and West Areas (Area 3)</td>
<td>0.03</td>
<td>Asphalt pavement surface and Mikioneli Way right-of-way (formerly called the West Road Loop Extension).*</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>0.03</strong></td>
<td><strong>- The inclusion of the triangular 0.03 acre area in this SLUDBA petition to reclassify it from SLU Urban to SLU Agricultural is to maintain a consistent, straight SLU Boundary between the two districts.</strong></td>
</tr>
</tbody>
</table>

2. **Topography.** The BYU-H campus, including the Petition Area, is located on the low-lying coastal plain between the steep slopes of the Koolau Mountain Range and the Pacific Ocean. In general, the slopes on the BYU-H campus, including the Petition Area, are relatively flat, between 0 percent to 2 percent grade. Typical elevations within these areas range from 6 to 9 feet in the north grassed area (Area 1), 7 to 9 feet in the northwest area parking lot (Area 2), 9 to 15 feet in the west area parking lot (Area 4), and 12 to 15 feet in the southeast area parking lot (Area 6). The BYU-H campus topography is illustrated on Attachment 6.

3. **Soils.** The project is located on the eastern coastal plains makai of the Koolau Mountain Range. Soils in the Petition Area are generally soft to medium stiff, silty clay alluvium with some coral outcroppings. According to the U.S. Department of Agriculture’s 1972 Soil Survey, the soils within the Petition Area and vicinity are classified as follows:

- Haleiwa silty clay (HeA): Consists of well-drained soils on fans and in drainage ways along the coastal plains. They developed in alluvium derived from basic igneous material. Elevations range from sea level to
250 feet. The slope range of this soil is 0 to 2 percent. HeA soil has moderate high to high (0.60 to 1.98 inches/hour) infiltration rates and very low runoff rates. The depth to water table is estimated at more than 80 inches.

- Coral outcrop (CR): Consists of coral or cemented calcareous sand. The coral reefs formed in shallow ocean water during the time the ocean stand was at a higher level. Small areas of coral outcrop are exposed on the ocean shore, on the coastal plains, and at the foot of the uplands. Elevations range from sea level to approximately 100 feet. The slope range of this soil is 0 to 25 percent. CR soil has moderately high to high (0.20 to 5.95 inches/hour) infiltration rates and low runoff rates. The depth to restrictive features is estimated at 0 inches to lithic bedrock.

- Keaa clay (KmA): Consists of poorly drained soils on coastal plains. These soils developed in alluvium deposited over reef limestone or consolidated coral sands. Elevations range from 5 to 40 feet. The slope range of this soil is 0 to 2 percent. KmA has moderately low to moderately high infiltration rates.

- Mokuleia loam (Ms): Consists of well-drained soils along the coastal plains. These soils formed in recent alluvium deposited over coral sand. Elevations range from 0 to 100 feet. The slope range of this soil is 0 to 2 percent. Ms has high infiltration rates. The depth to restrictive features is estimated at 80 inches.

**ALISH.** The Agricultural Lands of Importance to the State of Hawaii (ALISH) classification system identifies three classes of agriculturally important lands; Prime Agricultural Lands, Unique Agricultural Lands, and Other Important Lands. The majority of the proposed Area 5 and a smaller portion of the west expansion area are classified by ALISH as:

- Prime Agricultural Land (1): Land is best suited for the production of food, feed, forage and fiber crops. The land has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods.

The remaining areas within the Petition Area do not have an ALISH classification.

**Land Study Bureau Classification (LSB).** The Land Study Bureau of Hawaii (LSB) classification system evaluates the quality of State land in terms of agricultural productivity based on environmental conditions, physical characteristics, and soil properties and assigns a productivity rating of 'A' through 'E', with 'A' having 'very good' productivity and 'E' having 'very poor' productivity. The proposed Petition Area is characterized by the following LSB productivity ratings *(Attachment 7)*:

- LSB B (Good): Approximately one-third of Area 2, the 0.03 acre area (Area 3) that is changing from SLU Urban to SLU Agricultural, a small
portion at the northern end of the 2.7-acre west area (Area 4) parking lot, and the majority of Area 5 have LSB B rated soils.

- LSB C (Fair): The majority of the north (Area 1) and two-thirds of the northwest area (Area 2), which includes the grassed area and parking lot, are rated LSB C.

- LSB E (Very Poor): The majority of the 2.7-acre west area (Area 4) that includes a parking lot, grassed detention area and the EPUTTB are rated LSB E.

- Small portions of Areas 1, 4, 5, and 6 are not LSB rated.

**Important Agricultural Land (IAL).** The identification of IAL is a state mandate (HRS, Chapter 205) to create long-term protection for Hawaii’s high-quality farm land and preserve productive agricultural land from future development.

The DPP recently completed a study to designate IAL on Oahu based on three priority criteria: 1) lands currently in agricultural production; 2) suitable soil; and 3) adequate water supply, selected from eight IAL standards and criteria specified in HRS Chapter 205-44.

HRS Section 205-44(c) (6) stipulates that the designation of IAL land must be consistent with general, development and community plans of the county. The KL SCP designates all land within the existing PRU boundary for Institutional Use and locates it inside the Rural Community Boundary, therefore, the DPP did not include these areas, including the Petition Area, within the draft final IAL map submitted to the Honolulu City Council in August 2018.

4. **Surrounding Uses.** The BYU-H campus is located approximately one-third of a mile mauka of Kamehameha Highway and the coastline. Kamehameha Highway serves as the major transportation arterial in the region and the only developed roadway connecting Laie and BYU-H to rest of the island. The BYU-H campus is bounded by Naniloa Loop on its north side. Further to the north, are single-family residential neighborhoods of Laie town and to the northwest of campus, the Church of Jesus Christ of Latter-day Saints Laie Hawaii Temple. The PCC lies to the east and single-family residential uses are makai of Kamehameha Highway. To the south, lie the vacant lands for the student dormitory expansion, Wailele Stream, and campus athletic fields. Across Wailele Stream, land is utilized for agricultural production. To the west, is open space, limited agricultural cultivation, a cultural preservation area (Nioi Heiau), a Hawaiian Studies area, the EGBRA, the LTCL, the LWRF, agricultural roads, various utility installations including a wastewater pump station, a LPG storage facility, developed potable water wells, and the mountainous State Conservation areas at the edge of the Koolau Mountain Range.

B. **Other Permits/Approvals Required.** While campus improvements have been undertaken within the entire boundary established by the 94/PRU-4, a new PRU application has been submitted to the DPP. The proposed PRU application accounts for the previous PRU modifications and reflects future plans for on-campus development of new facilities. If approved, the PRU will serve as the new Five-Year Campus Master Plan.
However, unlike in the past, where the processing of past SLUDBAs and zone change were done concurrently, the processing of this PRU application lags slightly behind the SLUDBA application timeline.

Other needed permits and approvals include, but may not be limited to, grading and grubbing permits, building permits, and permits to connect to potable water, storm/drainage, and wastewater treatment facilities.

C. Public Agency Notification/Comments. On July 19, 2018, the following public agencies were requested to evaluate the impact of the proposal on their facilities and services and notified of the SLUDBA petition. Substantive comments received will be addressed in Section III of this report. All written comments are included in their entirety in Attachment 8.

Any comments received after the signing of this report will be transmitted separately to the Planning Commission or City Council for their consideration.

1. City Agencies:
   Board of Water Supply (BWS)
   Department of Budget and Fiscal Services (BFS)
   Department of the Corporation Counsel (COR)
   Department of Customer Services (CSD)
   Department of Design and Construction (DDC)
   Department of Emergency Management (DEM)
   Department of Environmental Services (ENV)
   Department of Facility Maintenance (DFM)
   Department of Parks and Recreation (DPR)
   Department of Transportation Services (DTS)
   Honolulu Authority for Rapid Transportation (HART)
   Honolulu City Council (CCL)
   Honolulu Emergency Services Department (HES)
   Honolulu Fire Department (HFD)
   Honolulu Managing Director's Office (MD)
   Honolulu Mayor's Office (MAY)
   Honolulu Neighborhood Commission (NB)
   Honolulu Police Department (HPD)
   Municipal Reference and Records Center (MRRC)
   Office of the City Clerk (CLK)
   Office of Climate Change, Sustainability, and Resiliency (OCCSR)
   Office of Council Services (CSV)

2. State Agencies:
   Department of Agriculture (DOA)
   Department of Health (DOH)
   Department of Business, Economic Development and Tourism (DBEDT)
     Office of Planning (OP)
     Land Use Commission (LUC)
   Department of Land and Natural Resources (DLNR)
     State Historic Preservation Division (SHPD)
   Department of Education (DOE)
   Oahu Metropolitan Planning Organization (OMPO)
   Department of Transportation (DOT)
3. **Federal Agencies:**
   U. S. Fish and Wildlife Service (USFWS)
   U. S. Coast Guard (USCG)

D. **Community and Adjoining Property Owners' Notification/Comments.** On November 2, 2017, the Applicant’s representative, R. M. Towill, Inc., made a presentation regarding a preliminary version of the proposed project to the Laie Community Association (LCA), followed by a similar presentation on April 12, 2018 to the Koolau Loa Neighborhood Board No. 28 (NB28). Following questions, comments, and concerns about the number of students who are Hawaii residents, the NB 28 and community members suggested the school attempt to increase local enrollment. No official action to support or object to the proposal was taken. However, a representative of the LCA attending the meeting informed the NB28 that the LCA supports the BYU-H expansion project.

On July 19, 2018, the DPP sent copies of the SLUBDA application to the NB28, the HECO, the Office of Hawaiian Affairs, the Windward Satellite City Hall, and the Neighborhood Commission Office. Notices about the proposed SLUBDAs went out to media sources, area elected officials, surrounding neighborhood boards, island-wide organizations, and other stakeholders.

To date, the DPP has not received any responses from community organizations regarding the proposed SLUBDA. However, staff review of the August 8, 2018 minutes of the Kahaluu Neighborhood Board No. 29 (NB29) found that NB29 did discuss the proposed SLUBDA application. According to these meeting minutes, discussion followed but a vote to support the BYU-H expansion failed (3-Aye, 4-Nay, 2-abstain). Any comments received after the signing of this report will be transmitted separately to the Planning Commission or City Council for their consideration.

III. **ANALYSIS**

A. **Agency Comments.**

1. The HPD concurs with the evaluation that the planned expansion of the campus will result in a reduction of motor vehicle traffic due to the expected increase in on-campus residency. However, they note that there could be a short-term impact to traffic during the construction phase of the project, therefore, they recommend that the developer implement traffic controls and management (e.g., signs, cones, barricades, flag persons, special duty officers, etc.) for construction vehicles to and from the worksites. The HPD has concerns involving the security of the area when the project is completed and recommends that they be involved in any future planning to reassess the project's impact on police operations.

**DPP Comments.** The DPP agrees with HPD that the Applicant submit a traffic management plan for the construction phase of the project and the project's impact to police operations be reviewed by the HPD. The specific details and timeline for coordination with the Applicant and HPD will be addressed during the PRU review process.
2. The HFD commented that any new development must comply with HFD requirements, such as access road standards, adequate water supply and water supply and submission of civil drawings for its review and approval.

**DPP Comments.** HFD requirements are met as part of the standard development approval process. These requirements will be addressed prior to the approval of the development's construction plans. Therefore, a condition of approval regarding fire protection is not recommended.

3. The DLNR Engineering Division commented that 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 Special Flood Hazard Area (high risk areas). The owner of the property and/or their representative is responsible to research the Flood Hazard Zone designation for the project.

**DPP Comments.** Portions of the campus including most of Area 5 are in Federal Emergency Management Agency (FEMA) Flood Zone A (Attachment 5). According to the FEMA flood hazard zone definition, Zone A represents shallow flooding but no base flood elevations (BFEs) have been determined. The SLUBDA petition does include a flood study, prepared by R. M. Towill Corporation, to determine the BFEs for the southern portion of campus from Wailele Stream to the Academic Circle. The Applicant did include the Flood Hazard Zone designations for the Project Area and will be required to satisfy both existing City drainage regulations, the requirements of Revised Ordinances of Honolulu (ROH) Chapter 21A, and the rules and regulations of the NFIP. The required improvements to meet these requirements will be addressed during the PRU approval process.

4. The OP, in their response to the Request For Comments on the SLUBDA, commented that the proposed SLUBDA application did not address:
   a) conformance with the Hawaii State Plan and consideration of the decision-making criteria in HRS Sections 205-16 and 205-17; and b) preservation or maintenance of important natural systems or habitats, more specifically, the impacts on flora and fauna within the Petition Area. The OP also points out that the SLUBDA application did not address the provisions of HRS Section 205-17(3)(B) regarding impacts on the valued cultural, historical, or natural resources in the Petition Area. Following the Hawaii Supreme Court ruling in Ka Paakai O Ka Aina v. Land Use Commission, the OP suggests a 'Ka Paakai Analysis' be done on the Petition Area. A Ka Paakai Analysis would involve making specific findings that address: a) the identity and scope of valued cultural, historical, or natural resources in the Petition Area including the extent to which traditional and customary native Hawaiian rights are exercised in the Petition Area; b) the extent to which those resources, including traditional and customary native Hawaiian right will be affected or impaired by the proposed action; and c) the feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist. Another OP comment adds that the SLUBDA application did not discuss how the Petition Area conforms to the standards for determining SLU Urban District boundaries.

**DPP Comments.** The review of applicable state and county plans in the Analysis section of this report confirms the proposed SLUBDA's conformance with these
plans. The proposed SLUDBA does meet the standards for determining SLU Urban District boundaries under Hawaii Administrative Rules (HAR), Section 15-15-18 because the Petition Area is contiguous to existing institutional uses, it is close to basic urban services, and the Petition Area is in an area already shown for future urban use on the General Plan of the City and County of Honolulu and the KL SCP.

The 1992 Final Environmental Impact Statement (FEIS) for the Laie Master Plan noted that there were four endangered species of native water birds in the study area of the Master Plan. The endangered species were the Black-necked Stilt (Himantopus mexicanus knudseni), the Hawaiian Duck or Koloa (Anas wyvilliana), American Coot (Fulica americana alai), and the Common Moorhen (Gallinula chloropus sandvicensis). At the time, the FEIS found that the proposed developments were not expected to have a significant adverse effect on the area's available or critical habitat for either the endangered or common bird species in the area. The FEIS added that disturbance to on-site vegetation, and the subsequent development and replanting, is expected to have no significant impact on available habitat for endemic birds. None of the mammals occurring in the project area covered by the FEIS were found to be an endangered species, and no detrimental effects resulting from the project were expected.

While an assessment of impacts to flora and fauna were not a part of this SLUDBA application, a determination in the forthcoming PRU application concludes that there are no known threatened or endangered species or their habitat within or around the project site. The flora and fauna in the Petition Area are found to be typical of urbanized areas and consist of common introduced species. This finding, after 36 more years of additional development and human activity in the area, seems to confirm the statements reached in the 1992 FEIS. In addition, as wetlands are known as critical natural systems or habitats for water birds, reptiles, insects and other types of flora and fauna, none are within the Petition Area. However, the DPP does recommend a more thorough and updated analysis of the natural systems and habitats and whether the proposed development under the forthcoming PRU permit will have any significant impact on any flora and fauna in the area.

State law provides an affirmative obligation to preserve and protect the reasonable exercise of traditional and customary native Hawaiian rights of valued cultural, historical, and natural resources. However, extensive ground disturbance and modification from agricultural activities and development over many years is likely to have destroyed or degraded these resources within the Petition Area. The only known traditional cultural property within the BYU-H campus property and the vicinity of the Petition Area is Niʻoi Heiau, which is located approximately 1,000 feet to the west (mauka) of Area 4. The Niʻoi Heiau is accessible through the campus and the BYU-H Hawaiian Studies Program does oversee the area. In 2010, the university, with the guidance of the Laie Kupuna Council, developed and submitted to the DLNR a long-term preservation plan for the Niʻoi Heiau. The plan addresses access and maintenance of the heiau site (Attachment 9).

Appendix F.8 of the SLUDBA application also includes the findings of a 2017 Draft Archeological Literature Review and Field Inspection (LRFI) conducted by
Cultural Surveys Hawaii, Inc., for the Petition Area and vicinity. The findings of the draft LRRI concluded the SLUDBA will likely have no effect on historic properties and recommended consultation with the SHPD to determine what, if any, historic preservation requirements are required. A 2012 Archaeological Inventory Survey (AIS) report prepared by Scientific Consultant Services Inc., (SCS), identified several archeological and historic sites within the Petition Area, however, the archeological materials were collected and curated by SCS and are no longer at the site. Based on these findings and consultation, the SHPD did not have any objections to this SLUDBA but requested the opportunity to review future permits for any development within the Petition Area (see SHPD letter dated September 12, 2018 in Attachment 8).

While the archeological and historic inventories in the SLUDBA application and the Long-Term Preservation Plan for the Nioi Heiau provide a good summation of these resources in the Petition Area, the DPP believes the SLUDBA application does not completely address the requirements of Chapter 205-17(3)(B) within the framework established by the Hawaii Supreme Court ruling in Ka Paakai O Ka Aina v Land Use Commission, State of Hawaii. In that ruling, the Hawaii Supreme Court provided governmental agencies with an analytical framework, or Ka Paakai Analysis, to ensure the protection and preservation of traditional and customary native Hawaiian rights while reasonably accommodating competing private interests. The Ka Paakai Analysis can be done within the scope of a cultural impact assessment (CIA). While reclassification of SLU boundaries does not, in itself, impair access to traditional or customary native Hawaiian practices, a complete CIA, ideally with a Ka Paakai analysis, is recommended in order to ensure complete compliance with Chapter 205-17 (3)(B).

5. The DLNR, Division of Forestry and Wildlife (DOFAW), recommended that BYU-H’s proposed campus expansion: a) avoid importing soil or other plant material to Oahu from off-island; b) remove non-native vegetation and re-vegetate with native plant species after construction; and c) maximize tree canopy cover to the extent possible. The DOFAW did add that the possible impacts of artificial lighting can adversely affect seabirds who fly at night. They recommended if night lighting is required, that any lights used, be fully shielded to minimize impacts.

DPP Comments. All the recommendations made by the DOFAW are related to the impacts associated with construction of the proposed campus facilities or conditions associated with the development once they are complete. Therefore, the DPP recommends a landscape master plan and a lighting plan be addressed during the PRU approval process.

6. The DOT anticipated that the proposed campus expansion would not have a significant impact on State highway facilities but commented that if there were unexpected effects attributable to the expansion of the BYU-H campus, the applicant shall mitigate those impacts to the satisfaction of the Highways Division at no cost to the State.

DPP Comments. A Traffic Impact Analysis Report has been submitted as part of the PRU application. It addresses the possible impacts the proposed campus expansion will have on State highway or County road facilities.
transportation improvements to support this expansion will be addressed during the PRU approval process.

7. The SHPD of the State DLNR, in their September 12, 2018 letter, had no objections to the SLUDBA petition but requested the opportunity to review future permits for proposed projects involving development and/or ground disturbing activities.

DPP Comments. It is standard practice that when any archeological or historic resources are found during construction, work ceases and the contractor is required to comply with all applicable requirements of Chapter 6E and administrative rules of the DLNR. However, to ensure that SHPD is given the opportunity to review projects in the Petition Area and to ensure compliance with HRS, Chapter 205-17, a condition requiring identification, as well as protecting and preserving valued cultural, historic, and natural resources (including native Hawaiian rights and practices), is recommended.

B. Compliance with State Land Use Legislation.

1. Chapter 205, HRS, State Land Use Commission. The proposed expansion areas comprising 14.85 acres is within the SLU Agricultural District. Thus, a SLUDBA of less than 15 acres is needed for the proposed campus expansion project. Pursuant to HRS Section 205-4.5, the proposed student housing, existing parking lots, married housing buildings, the Heber J. Grant Building, and the area encompassing the EUTTB and future expansion site for the Ceramics Building are not allowed uses within the SLU Agricultural District. Therefore, a boundary amendment is required to expand the SLU Urban District boundary to include the Petition Area (except the 0.03 acre area) in order to be compliant with Chapter 205.

In accordance with Section 205-2(a)(1), HRS, the purpose and intent of establishing the boundaries of the Urban District is for lands that are now in urban use and provide for foreseeable urban growth. The expansion of student housing and the possibility of future facilities on-campus are consistent with the purpose and intent of the SLU Urban District. Pursuit of a Special Use Permit (SUP), on the other hand, would be insufficient to accommodate this expansion since BYU-H plans to grow within its PRU boundary for the foreseeable future. A SUP is more appropriate for single, isolated, and often-limited-term uses that are unusual but need to be located in an agricultural district without the need to reclassifying it as urban.

In accordance with Section 205-2(a)(3), HRS, the purpose and intent of the SLU Agricultural District is to provide the greatest possible protection to those lands with a high capacity for intensive cultivation. However, except for Area 5, all other areas within the Petition Area have undergone some form of grading or compaction related to development of campus buildings, facilities, and related hardscape, roads, parking lots, and site grading to facilitate proper drainage. While approximately 10.54 acres of the Petition Area (most of Area 5 and small portions of the other Areas combined) is designated as ALISH Prime Agricultural Land and rated by LSB as having good to fair productivity, the Petition Area as well as the entire PRU (Attachment 2), is within the KL SCP RCB. Such designation delineates land planned for urban and institutional development. In
many instances, ancillary and supportive urban uses, i.e., parking lots, utility facilities, and temporary storage lots that serve the campus have already been built on these rated lands within the SLU Agricultural District. Therefore, these soils, despite their productivity rating, are unlikely to be used for agriculture again.

Nevertheless, removal of Area 5 impacts about five acres of agricultural land that was recently in papaya production. The Petitioner should be required to make available five acres of land for crop production as a condition of approval. As the Petitioner is required to apply for a new PRU, the DPP will consider the replacement of the five acre loss to campus use for future crop production in its review of the PRU, therefore, a condition to require replacement of lands lost to development is not recommended at this time.

Furthermore, HRS, Section 205-3.5, stipulates the inclusion of mandatory conditions when reclassifying land contiguous to an agricultural district. It states:

(a) Any decision approving a petition for a boundary amendment pursuant to Chapter 205 where lands in the petition area are contiguous or adjacent to lands in the agricultural district, must include the following conditions by the decision granting approval;

(1) A prohibition on any action that would interfere with or restrain farming operations; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district; and

(2) Notification to all prospective developers or purchasers of land or interest in land in the petition area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under Chapter 165, the Hawaii right to farm act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

(b) For purposes of this section, "farming operation" shall have the same meaning as provided in HRS, Section 165-2.

These statutory conditions are included in the Recommendations section of this report.

As discussed throughout this report, in accordance with HRS, Sections 205-16 and 205-17, this SLUDBA is found to be in conformance with the Hawaii State Plan, the General Plan of the City and County of Honolulu and the KL SCP and meets the standards of HAR, Section 15-15-18 for determining SLU Urban District boundaries. In accordance with HRS, Section 205-17(3), the proposed reclassification with this SLUDBA is not expected to impact these areas of state concern; a) important natural systems or habitats, b) valued cultural, historical, or natural resources, c) natural resources relevant to Hawaii's economy, including agricultural resources, and d) commitment of state funds or resources. However, the SLUDBA did not directly or completely address impacts to flora and fauna.
and protection and preservation of traditional and customary native Hawaiian rights and practices throughout the Petition Area. The DPP is recommending the review and acceptance of supplemental information to ensure conformance of these two items with HRS, Section 205-17(3) as a condition of approval for this SLUDBA. The proposed SLUDBA does provide employment and housing opportunities for lower income groups with the proposed campus expansion. Since the proposed reclassification of lands to the SLU Urban District does not include Important Agricultural Lands (IAL), compliance with HRS, Section 205-17(4) is not applicable.

The proposed SLUDBA, with the proposed recommendations, addresses HRS, Section 205-17, where applicable.

2. Chapter 205A, HRS, Coastal Zone Management Zone (CZM). Chapter 205A establishes the CZM program for all lands of the State and the area extending seaward of the shoreline to the seaward limits of the State’s jurisdiction.

The SLUDBA proposal is consistent with the CZM objectives and policies as follows:

(b) Objectives.

(2) Historic Resources:

(A) Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policy (c)(2)(A): Identify and analyze significant archaeological resources.

In 2012, the AIS report for BYU-H identified one surface site of historic significance, an archaeological site consisting of traditional-type lithic scatter including 31 basalt and volcanic glass artifacts. The LRFI for this SLUDBA application, identified the nearest property on the State Inventory of Historic Places as a historic habitation foundation and modified outcrop near Area 2. Existing historic and cultural resources at the Nioi Heiau and the Hawaiian Studies area, mauka of Areas 2, 3, and 4 are being preserved.

(3) Scenic and Open Space Resources:

(A) Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policy (c)(3)(D): Encourage those developments that are not coastal dependent to locate in inland areas.

(5) Economic Uses:

(A) Provide public or private facilities and improvements important to the State’s economy in suitable locations.
BYU-H is meeting these CZM objectives and policies by locating and expanding their campus to inland areas and not close to the shoreline or coastal areas. While important to the State’s economy as an institution of higher-learning, they are concentrating and locating their student facilities in areas designated for “institutional” use under the KL SCP which protects near-shore resources.

3. **Chapter 226, HRS, Hawaii State Plan (HSP)**. Sections of the HSP’s goals, objectives, and policies that are relevant to the proposed action and support the HSP, are discussed below.

i. **Section 226-6 Objectives and policies for the economy – in general.**

   (a) Planning for the State’s economy in general shall be directed toward achievement of the following objectives:

   (1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii’s people.

ii. **Section 226-103 Economic priority guidelines.**

   (a) Priority guidelines to stimulate economic growth and encourage business expansion and development to provide needed jobs for Hawaii’s people and achieve a stable and diversified economy:

   (b) Provide public incentives and encourage private initiative to develop and attract industries which promise long-term growth potentials and which have the following characteristics:

   (D) An industry that would provide reasonable income and steady employment.

Approval of the Petition would lead to both new short- and long-term employment opportunities for the Koolau Loa region. Short-term employment opportunities will be generated through design and construction services and material procurement during project development. New long-term employment opportunities will be created for educators, administrators, and operations and maintenance staff.

iii. **Section 226-10 Objective and policies for the economy – potential growth activities.**

   (a) Planning for the State’s economy with regard to potential growth activities shall be directed towards achievement of the objective of development and expansion of potential growth activities that serve to increase and diversify Hawaii’s economic base.

   (3) Enhance and promote Hawaii’s role as a center for international relations, trade, finance, services, technology, education, culture, and the arts.
BYU-H asserts that the 14.85-acres of the Petition Area will allow the university to enhance the quality of the academic experience on campus by improving the University’s facilities and increasing the educational offerings to more students.

iv. Section 226-21 Objective and policies for socio-cultural advancement – education.

(a) Planning for the State’s socio-cultural advancement with regard to education shall be directed towards achievement of the objective of the provision of a variety of educational opportunities to enable individuals to fulfill their needs, responsibilities, and aspirations.

(b) To achieve the education objective, it shall be the policy of this State to:

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

The planned expansion of BYU-H with this SLUBDA and the subsequent PRU will allow the campus to expand with the addition of new facilities, and will increase the percentage of students living on campus. This will have the intended effect of creating a more collegial atmosphere where a wider of variety of educational opportunities may be supported. The proposed SLUBDA conforms to these applicable objectives and policies of the Hawaii State Plan.

C. Compliance with City Land Use Plans and Zoning Requirements.

1. General Plan of the City and County of Honolulu (Amended October 3, 2002 by Resolution 02-205, CD1). The proposed SLUBDA supports the following General Plan objectives and policies.

I. Population, Objective C.

"To establish a pattern of population distribution that will allow the people of Oahu to live and work in harmony."

Policy 3: "Manage physical growth and development in the urban-fringe and rural areas so that:

a. An undesirable spreading of development is prevented; and

b. Their population densities are consistent with the character of development and environmental qualities desired for such areas."

The proposed SLUBDA is consistent with the objective and policy above. The 14.85-acres of the Petition Area are located within an area designated by the City and County of Honolulu land use plans and policies for BYU-H campus expansion. All proposed campus improvements are shown to remain within the Community Growth Boundary and areas designated for Institutional use on the KL SCP Land Use Map. The planned new single student dormitories, married
student apartments and overall site are planned to be designed and constructed to be consistent with the visual character of the existing campus and surrounding Laie community. Conformance with this objective can be evaluated during the PRU and building permit processes.

II. Economic Activity, Objective A.

"To promote employment opportunities that will enable all the people of Oahu to attain a decent standard of living."

Policy 1: "Encourage the growth and diversification of Oahu’s economic base."

Policy 2: "Encourage the development of small businesses and larger industries which will contribute to the social well-being of Oahu residents."

The proposed SLUDBA is consistent with the objective and policies above. The 14.85-acres of the Petition Area will generate new short- and long-term employment opportunities for the Koolau Loa region. Short-term employment opportunities will be generated through design and construction services and material procurement during project development. New long-term employment opportunities will be created for educators, administrators, and operations and maintenance staff.

III. Natural Environment, Objective A.

"To preserve and protect the natural environment."

Policy 6: Design and maintain surface drainage and flood-control systems in a manner which will help preserve natural and cultural resources.

The proposed SLUDBA will allow the BYU-H campus to expand into the Petition Area. Where new development (married and single student housing) occurs, it will be required that the proposed campus expansion comply with DPP’s 2017 Storm Water Quality Rules and Storm Drainage Standards by utilizing on-site storm water retention and low-impact development features integrated with site landscaping to ensure that there will be zero net increase in stormwater runoff from the campus. In this way, the proposed SLUDBA is consistent with the objective and policy above.

IV. Housing, Objective A.

"To provide decent housing for all the people of Oahu at prices they can afford."

Policy 9: Encourage the preservation of existing housing which is affordable to low- and moderate-income persons.

Policy 12: Encourage the production and maintenance of affordable rental housing.
The proposed new single student dormitories and married student apartments will accommodate an increase of approximately 1,000 students living on-campus. The dormitories will accommodate 936 single-students including 500 new and 436 existing students currently living off-campus. The apartments will accommodate 56 married students and their families. By relocating currently enrolled students who live off campus into on-campus housing, BYU-H believes these students will benefit from a more structured academic and living environment. In addition, the on-campus housing expansion will accommodate the planned increase in the total number of enrolled students over the next five years so that new students will not create additional demand for off-campus housing. This should increase the availability of housing options for Laie residents.

V. Transportation and Utilities, Objective A.

"To create a transportation system which will enable people and goods to move safely, efficiently, and at a reasonable cost; serve all people, including the poor, the elderly, and the physically handicapped; and offer a variety of attractive and convenient modes of travel."

Policy 9: Promote programs to reduce dependence on the use of automobiles.

Policy 10: Discourage the inefficient use of the private automobile, especially in congested corridors, and during peak-hours.

Policy 11: Make public, and encourage private, improvements to major walkway systems.

The planned campus expansion with this SLUDBA will support an increase in on-campus residency from 75 to 95 percent, which will reduce the percentage of students commuting by private automobile. The net effect is expected to be a reduction in the percentage of student automobile ownership and vehicle trips. BYU-H has also implemented a Traffic Demand Management (TDM) program to further reduce dependence on automobile ownership and use. The current TDM program offers campus car share services, shuttle services to nearby retail and civic centers, a bike share service, and a subsidized student bus pass during the academic term. The campus design promotes interconnectedness between buildings and facilities with high-capacity, pedestrian walkways. Therefore, the campus expansion envisioned with this SLUDBA would be consistent with the stated objective and policies listed above. However, to monitor ongoing progress and success with this TDM program in achieving these policies, the DPP will request, as a condition of the PRU permit process, that the Applicant monitor actual TDM performance providing the results to the DPP in an annual report.

2. Chapter 24, ROH, Article 7, KL SCP. Section 24-7.5(c), ROH, provides that all proposed developments within the KL SCP area shall be reviewed for their consistency with the vision, policies, and guidelines of the current KL SCP, dated October 1999. It should be noted an update to the KL SCP (December 2012) was recommended for approval by the Planning Commission in April 2013. Since then, the KL SCP update has gone through several amendments and is
presently before City Council as Bill 1 (2017), CD1. Bill 1 (2017), as amended, passed its second reading on August 15, 2018 and the campus expansion contemplated in this Petition remains consistent with the vision, policies, and guidelines of both the 1999 KL SCP Plan and the updated KL SCP currently before Council. However, because the current amended version has not been adopted by Council, the following review will be of how the BYU-H SLUDBA is consistent with the vision, policies, and guidelines of the 1999 KL SCP.

3.9.2.1 POLICIES
BYU-H should continue to evoke a sense of place that distinguishes it as an important educational and cultural institution and unique asset to the Koolau Loa region.

BYU-H remains an important educational and cultural institution in the Koolau Loa region as noted in the KL SCP. It is the only institution for higher education in the North Shore and Koolau Loa regions. BYU-H offers undergraduate educational programs in mathematics, liberal arts, and management. BYU-H is a four-year college with an annual enrollment of approximately 2,700 students. The University anticipates slowly increasing its enrollment to a FTE of 3,200 students eventually enrolling up to 5,000 students.

The following is a policy for development and maintenance of the campus:

- The design of new facilities should be environmentally sensitive and reflect appropriate architecture and culture of the existing campus and adjacent residential areas.

The general design principle for the single-student and married-student housing projects is to maintain the mid-density, mid-rise open-space character of the BYU-H campus by minimizing the building footprint and providing multiple floors. Single student dormitories will be a four-story structure with single-loaded units around a central courtyard. The two married student apartment buildings will be three-story structures, each with 28 units. Access driveways, pedestrian walkways, student parking, landscaping, open space and retention areas, and related drainage infrastructure and utilities will be designed to integrate with the existing campus facilities and be compatible with the surrounding character of Laie town. A preliminary review of the description of improvements and the site plan in the PRU application indicates that this design complies with this policy.

3. Chapter 21, ROH, Land Use Ordinance (L.U.O). The reclassification of 14.85 acres from SLU Agricultural District to SLU Urban District would allow BYU-H to commence with the proposed campus expansion, primarily for student housing and support facilities, as stated in this SLUDBA application. No change of zoning is required, however, the Applicant is requesting approval of a new PRU, a procedure distinctly created for uses of a permanent and institutional nature. The new PRU would replace the previous one passed by City Council Resolution No. 96-321, CD1, which supported the expansion and renovation of BYU-H support, academic, and living facilities for students, faculty, and staff in Laie. The purpose and intent of the PRU is discussed below.
PRU – Purpose and Intent. Section 21-2.120 of the LUO states, in part:

“(a) The purpose of this section is to establish a review and approval mechanism for uses of a permanent and institutional nature which, because of characteristics fundamental to the nature of the use, provide essential community services but which could also have a major adverse impact on surrounding land uses. It is the intent that the design and siting of structures and landscaping, screening, and buffering for these uses be master planned so as to minimize any objectionable aspects of the use or the potential incompatibility with other uses permitted in the zoning district.

The 1996 City Council Resolution No. 96-321, CD1, is consistent with the KL SCP and supports the expansion and renovation of BYU-H support, academic, and living facilities for students, faculty, and staff in Laie. The proposed SLU Urban District reclassification is primarily for the purpose of developing new on-campus, single-student dormitories and married-student apartments to accommodate planned increases in student enrollment. A new PRU will account for the campus improvements made since approval of the 1996 resolution and accommodate the proposed expansion for three new single-student dormitories, Hale 11 to 13, and two new, married-student apartment buildings, TVA 26 and 27. The campus expansion is not expected to have major adverse impacts on the surrounding land uses. The impact on the local housing supply should be positive by relieving some demand pressure on the limited housing supply in Laie.

4. Chapter 4, ROH, Article 8, Public Infrastructure Map (PIM). The KL PIM (Attachment 4) shows two PIM symbols near the project site. KL PIM No. 002, the “Laie Well”, is a plan to construct a new potable water well and related improvements, mauka (west) of the BYU-H campus and Laie community. KL PIM No. 003, the “Waielele Well” project is a plan to construct a new potable water well and related improvements south of the BYU-H campus. The Honolulu Board of Water Supply’s proposed water wells are in anticipation of future development in the area, however, these PIM projects are unrelated to the BYU-H expansion since the campus is supplied by its own private water system.

5. Chapter 21, ROH, Article 9, Special District Regulations, LUO. The Petition Area is not within any Special District and thus there are no additional regulations that apply.

6. Chapter 23, ROH, Shoreline Setback Ordinance, and Chapter 25, ROH, SMA Ordinance. The Petition Area is not within the Shoreline Setback area or within the SMA.

D. Compliance with Environmental Legislation.

1. Chapter 343, HRS, and Title 11, Chapter 200, HAR, Environmental Impact Statements (EIS). In July 2017, the DPP determined that an Environmental Assessment (EA) was not required since the requirements of Chapter 343 for an EA did not apply prior to submitting a SLUDBA application.

2. Chapter 6E-42, HRS, Historic Preservation. The lands that comprise the proposed 14.85-acre Petition Area have historically been used for agricultural
cultivation, primarily sugar cane production and truck crops. In the 1970’s and 1980’s, Area 6 was used as a quarry by Laie Concrete and Aggregate, Inc., (operating entity prior to the LTCL). By 1987, quarry operations here ceased and the land was restored in accordance with the lease conditions for use by BYU-H.

As a result of agricultural activities and due to their proximity to the BYU-H campus, the related development activities over the latter half of the 20th century subjected the proposed Petition Area to significant modification and ground disturbance. The SLUDBA application does contain the findings of the 2017 Draft Archeological LRFI conducted by Cultural Surveys Hawaii, Inc. The LRFI identified the nearest historic properties as State Inventory of Historic Places (SIHP) No. 50-80-02-4455, a historic habitation foundation, and SIHP No. 50-80-02-4456, a modified outcrop, located near the northwest area (Area 2) parking lot.

The 2012 AIS report prepared by the SCS identified one surface site of historic significance, an archaeological site, identified as SIHP No. 50-80-02-7298. This site was recorded as a traditional-type lithic scatter including 31 basalt and volcanic glass artifacts. This surface site is in the proposed dormitory expansion area of Area 5, on the southern side of campus. According to Morgan Davis, SCS Archeologist, the lithic scatter material documented in the 2012 report was collected during the field work and is no longer present at the site. In their 2012 report, SCS recommended no further archaeological work or monitoring was necessary for the site. However, additional subsurface testing (trench excavation) in the area, if considered necessary, will be done prior to any construction activities.

Overall, the proposed project in the Petition Area is unlikely to have an adverse impact on archeological, historic, or cultural resources due to past significant modification and ground disturbance. In the event that unknown or unexpected archeological, historic, or cultural features, deposits, or burials are discovered, all work in the immediate area of the find will be suspended and the SHPD will be notified immediately to evaluate the significance of the findings and determine the appropriate course of action as required by HRS Chapter 6E-42. As stated earlier in this report, the DPP is recommending a more thorough assessment of possible traditional and customary native Hawaiian rights and practices in the Petition Area as a condition of approval to meet the requirements of HRS, Section 205.17(3).

3. **Chapter 21A, ROH, Flood Hazard Areas.** The following Flood Insurance Rate Map (FIRM), Panel Number 15003C0045H revised November 5, 2014, covers the Petition Area. The FIRM show the Petition Areas is located in Zones A, AE, AH, and X. Approximately 9.23 acres are in Flood Zone A, 2.56 acres in Flood Zone AE, 0.20 acres in Flood Zone AH, and 2.86 acres are within Flood Zone X (Attachment 5).

According to the Flood Zone Definitions of the Federal Emergency Management Agency, Zone A is comprised of areas with high flood hazard (1-percent-annual-chance flood event) but in a zone where no BFE is determined; Zone AE is subject to inundation by the 1-percent-annual-chance flood event where BFEs are determined by detailed hydraulic analyses; areas in Zone AH are subject to inundation by 1-percent-annual-chance of shallow flooding (usually areas of
ponding) where average depths are 1-3 feet and BFEs derived from detailed hydraulic analyses are shown within this zone; and Zone X (unshaded) is comprised of areas with minimal flood hazard above the 500-year flood level (0.2 percent annual chance of flood).

The Wailele Flood Risk Management Reduction Project is currently being undertaken by the U. S. Army Corps of Engineers to stop overflows from the Wailele Stream from reaching the BYU-H campus and Laie town. Proposed improvements being studied include an overflow channel at Wailele Stream eastwards to a new culvert crossing Kamehameha Highway. Once a plan is implemented, estimated to be about 7-10 years, it is anticipated the BFEs within Laie town and the BYU-H campus will be significantly reduced and the AE and A flood zones would be eliminated.

Any development within Flood Zone AE must comply with the requirements of Chapter 21A. In addition, the National Flood Insurance Program regulates development within this zone. The forthcoming PRU application process will be best suited to consider the addition of conditions requiring compliance with Chapter 21A and the National FIRM, therefore, a condition of approval for the SLUDBA application is not necessary.

4. Impact of Potential Sea Level Rise. A projected global mean sea level rise of 3.2 feet, as early as mid-century, is the planning threshold for episodic flood hazard modeled in the Hawaii Sea Level Rise Vulnerability and Adaptation Report published by the Hawaii Climate Change Mitigation and Adaptation Commission in 2017. According to the Hawaii Sea Level Rise Viewer, that projects coastal inundation from sea level rise, the Petition Area, as well as, the BYU-H campus will not be affected by 3.2 feet of sea level rise. However, the June 2018 City and County of Honolulu Climate Change Commission Sea Level Guidance and Climate Change Brief recommends taking into consideration 6 feet of sea level rise in later decades of the century, especially for critical infrastructure with long expected lifespans and low-risk tolerance such as roads and highways, water and wastewater treatment plants, and electricity generating and transmission facilities. The urgency to establish policies to address, adapt, and minimize risk from climate change and up to 6 feet of sea level rise was consummated with the Mayor’s Directive 18-2 to all City and County departments and agencies on July 16, 2018.

At 6 feet of sea level rise, the NOAA Sea Level Rise Viewer does show one low-lying area on the mauka side of Areas 1 and 2 that might be vulnerable. The National Oceanic and Atmospheric Administration’s Sea Level Rise Viewer adds a disclaimer that this is determined solely by how well the elevation data captures the area’s drainage characteristics and a more detailed analysis may be required to determine the area’s actual susceptibility to flooding. Mauka of Areas 1 and 2 is a drainage swale running behind TVA buildings 23, 24, and 25 to intercept stormwater flows coming from the nearby agricultural lands. Therefore, since a 6-foot sea level rise will have only a negligible impact on a very small portion of the Petition Area and there is no critical infrastructure planned in Petition Area, it is not anticipated to be impacted by sea level rise.
IV. CONCLUSIONS OF LAW

The Director hereby makes the following Conclusions of Law:

1. The proposed SLUDBA to reclassify 14.85 acres of land from the SLU Agricultural District to the SLU Urban District complies with the state review requirements to reclassify to the SLU Urban District.

2. The reclassification of the 0.03 acre area from the SLU Urban to the SLU Agricultural District will neither further agricultural production nor protect agricultural land. However, it brings consistency and simplicity in the interpretation of the SLU District boundaries.

3. The proposed SLUDBA to reclassify 14.85 acres of land from the SLU Agricultural District to the SLU Urban District is consistent with the objectives and policies of the Hawaii State Plan and the General Plan of the City and County of Honolulu.

4. The proposed SLUDBA to reclassify 14.85 acres of land from the SLU Agricultural District to the SLU Urban District is consistent with the objectives and policies of the City and County of Honolulu KL SCP.

5. The planned expansion is consistent with the City and County of Honolulu KL SCP which identifies the 1996 PRU boundary as appropriate land for future campus expansion and renovation. According to the Land Use Map of the plan, the planned campus expansion is also entirely within the RCB.

6. The proposed SLUDBA meets the requirements of establishing a SLU Urban District, addresses the impacts of the proposed reclassification on the areas of state concern in HRS, Section 205-17(3), and the reclassification does not include IAL. In its review of this Petition, the DPP seeks specific findings and conclusions as to the identity and scope of the valued cultural, historical, or natural resources, the extent those resources will be affected or impaired by the proposed action, and any feasible action to reasonably protect such native Hawaiian rights if they are found to exist. At this time, the DPP is recommending the receipt and acceptance of a CIA regarding the protection and preservation of traditional and customary native Hawaiian rights in the Petition Area.

7. The proposed SLUDBA will allow the proposed campus expansion to proceed onto review and consideration of a proposed PRU application as the new Five-Year Campus Master Plan.

8. The SLUDBA will contribute to the general welfare and prosperity of the people of Oahu by allowing the university to grow in its educational opportunities and leading to the creation of new short- and long-term employment opportunities. The SLUDBA will also create more student housing opportunities on campus thereby improving the quality of the academic experience on campus.

9. By increasing the percentage of students living on campus from 75 to 95 percent, the SLUDBA will allow for more student housing and thereby relieve the housing demand in Laie. With more students living on campus, a slight decrease in traffic congestion is also expected.
9. By increasing the percentage of students living on campus from 75 to 95 percent, the SLUDBA will allow for more student housing and thereby relieve the housing demand in Laie. With more students living on campus, a slight decrease in traffic congestion is also expected.

10. The SLUDBA brings several existing uses into conformance with HRS Chapter 205.

V. RECOMMENDATION

Based on the foregoing Findings of Fact, Analysis, and Conclusions of Law, the Director of the Department of Planning and Permitting (DPP) recommends that a State Land Use District Boundary Amendment (SLUDBA) of 14.85 acres from the State Land Use (SLU) Agricultural District to the SLU Urban District and 0.03 acres from the SLU Urban District to the SLU Agricultural District be APPROVED subject to the following conditions:

1. A prohibition on any action that would interfere with or restrain farming operations on lands in the Petition Area that are contiguous or adjacent to the Agricultural District; provided the farming operations are conducted in a manner consistent with generally accepted agricultural and management practices on adjacent or contiguous lands in the agricultural district; and;

2. The Applicant shall notify all prospective developers or purchasers of land or interest in land in the Petition Area and subsequent notification to lessees or tenants of the land, that farming operations and practices on adjacent or contiguous land in the agricultural district are protected under HRS Chapter 165, the Hawaii Right to Farm Act, and that the notice shall be included in any disclosure required for the sale or transfer of real property or any interest in real property.

3. The amendment to the SLU District boundaries for the Petition Area is not effective until a Cultural Impact Assessment (CIA), including a Ka Paakai Analysis and identification of mitigative measures, is accepted by the DPP in consultation with other agencies.

4. Any future PRU application shall consider as conditions of approval mitigative measures identified in the CIA.

5. Any future PRU application, or application to modify an existing PRU, shall have the SLU District Boundary information provided on any site plans or maps submitted with said application.

6. On an annual basis, the Petitioner shall submit a written status report to the DPP documenting satisfaction of and/or describing its progress toward complying with each condition of approval for this SLUDBA. The status report shall be submitted to the DPP on or before December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied, or as necessary.
Dated at Honolulu, Hawaii, this 24th day of October, 2018.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By

Kathy K. Sokugawa
Acting Director

Attachments
ATTACHMENTS 1 - 7
(MAPS)
FLOOD LEGEND:
1% Annual Chance Flood (100 years)
- A = No base flood elevation determined
- AE = Base flood elevation determined
- AH = 1 to 3 ft., with ponding
Other:
- X = Outside 2% annual chance flood plain
- — 32' — Base flood elevation in feet

PORTION OF
FLOOD HAZARD MAP
Laie

FLOOD DATA SOURCE: FIRM Panel 0045H
Date: 11/5/2014

TAX MAP KEY: 5-5-006: Por. 5 and Por. 32
FOLDER NO.: 2018/GEN-8
ATTACHMENT 8
(AGENCY & COMMUNITY COMMENTS)
MEMORANDUM

TO: Raymond Young, Acting Chief
   Community Planning Branch
   Department of Planning and Permitting

FROM: Michele K. Nekota
       Director

SUBJECT: Petition for a State Land Use District Boundary Amendment of Less than 15 Acres for the Planned Expansion of Brigham Young University- Hawaii From the State Agricultural District to the Urban District, Laie, Oahu
       Tax Map Keys: 5-5-006: Portions of 005 and Portion of 032

Thank you for the opportunity to review and comment on the subject petition by Brigham Young University for a State Land Use District Boundary Amendment.

The Department of Parks and Recreation has no comment.

Should you have any questions, please contact John Reid, Planner at 768-3017.

MKN:jr
(737572)
MEMORANDUM

TO: Kathy K. Sokugawa, Acting Director
   Department of Planning and Permitting

ATTENTION: Raymond Young, Acting Chief, Community Planning Branch

FROM: Rade Vanic, Acting Assistant Chief, Support Services Bureau

SUBJECT: Petition for State Land Use District Boundary Amendment of Less Than 15 Acres for the Planned Expansion of Brigham Young University – Hawaii From the State Agricultural District to the Urban District, Laie, Oahu
   Tax Map Keys: 5-5-006: Portions of 005 and Portion of 032 (2018/SLU-1)

This is in response to your agency's memorandum of July 19, 2018, requesting comments on the subject above.

The Honolulu Police Department (HPD) has reviewed this project and anticipates a short-term impact to traffic around the Brigham Young University-Hawaii (BYU-H) campus during the construction phase of the project. The HPD recommends that the developer implement traffic controls and management (e.g., signs, cones, barricades, flag persons, special duty officers, etc.) for construction vehicles to and from the worksites. These recommendations will ensure a safe means of ingress/egress for motor vehicles and pedestrians onto Kamehameha Road, the main thoroughfare in the area.

The HPD concurs with the evaluation by the consultant (R.M. Towill Corporation) in that the planned expansion of the campus will result in a reduction of motor vehicle traffic due to the expected increase in on-campus residency. However, with the growth in the number of residents and transient visitors to the BYU-H campus, there may be an increase in calls for police services.

Thus, the HPD does have concerns involving the security of the area when the project is completed. The HPD would like to be involved in any future planning to reassess the project's impact on police operations.

Serving and Protecting With Aloha
Memo to Acting Director Kathy K. Sokugawa
August 8, 2018
Page 2

If there are any questions, please call Major Crizalmer Caraang of District 4 (Kaneohe/Kailua/Kahuku) at 723-8639.

Thank you for the opportunity to review this project.

Rade Vanic
Acting Assistant Chief
Support Services Bureau
August 10, 2018

TO: KATHY SOKUGAWA, ACTING DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

ATTN: RAYMOND YOUNG, ACTING CHIEF
COMMUNITY PLANNING BRANCH

FROM: SOCRATES D. BRATAKOS, ASSISTANT CHIEF

SUBJECT: STATE LAND USE DISTRICT BOUNDARY AMMENDMENT
PLANNED EXPANSION OF BRIGHAM YOUNG UNIVERSITY - HAWAII
FROM THE STATE AGRICULTURAL DISTRICT TO THE URBAN
DISTRICT
LAIE, OAHU
TAX MAP KEY: 5-5-006: 005 (por.) and 032 (por.)

In response to a memorandum from Mr. Raymond Young of your Community Planning Branch dated July 19, 2018, regarding the abovementioned subject, the Honolulu Fire Department (HFD) requires that the following be complied with:

1. Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 feet from fire department access roads as measured by an approved route around the exterior of the building or facility. (National Fire Protection Association [NFPA] 1, 2012 Edition, Sections 18.2.3.2.2 and 18.2.3.2.2.1.)

A fire department access road shall extend to within 50 feet of at least one exterior door that can be opened from the outside and that provides access to the interior of the building. (NFPA 1, 2012 Edition, Section 18.2.3.2.1.)

2. A water supply approved by the county, capable of supplying the
required fire flow for fire protection, shall be provided to all premises upon which facilities or buildings, or portions thereof, are hereafter constructed, or moved into or within the county. When any portion of the facility or building is in excess of 150 feet from a water supply on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains capable of supplying the required fire flow shall be provided when required by the AHJ [Authority Having Jurisdiction]. (NFPA 1, 2012 Edition, Section 18.3.1, as amended.)

3. The unobstructed width and unobstructed vertical clearance of a fire apparatus access road shall meet county requirements. (NFPA 1, 2012 Edition, Section 18.2.3.4.1.1 and 18.2.3.4.1.2, as amended.)

4. Submit civil drawings to the HFD for review and approval.

Should you have questions, please contact Battalion Chief Wayne Masuda of our Fire Prevention Bureau at 723-7151 or wmasuda@honolulu.gov.

Socrates D. Bratakos  
Assistant Chief

SDB/TC: bh
DEM has no comments regarding the subject above. Thank you for the opportunity to review.

Mahalo,
Karen

Karen Paaga, Secretary
City & County of Honolulu | Department of Emergency Management
☎ (808) 723-8950 | ✉️ (808) 768-1492
MEMORANDUM

TO: Raymond Young, Acting Chief  
Community Planning Branch  
Department of Planning and Permitting

FROM: Robert J. Kroning, P.E., Director

SUBJECT: Petition for a State Land Use District Boundary Amendment of Less than 15 Acres for the Planned Expansion of Brigham Young University- Hawaii  
From the State Agricultural District to an Urban District, Laie, Oahu  
TMK: 5-5-006: Portions of 005 and Portion of 032

Thank you for the opportunity to review and comment. The Department of Design and Construction does not have comments at this time.

Should you have any further questions, please contact me at 768-8480.
MEMORANDUM

TO: Kathy K. Sokugawa, Acting Director
   Department of Planning and Permitting

ATTENTION: Raymond Young, Acting Chief
           Community Planning Branch

FROM: Ross S. Sasamura, P.E.
      Director and Chief Engineer
      Department of Facility Maintenance

SUBJECT: Petition for a State Land Use District Boundary Amendment of Less than 15 Acres for the Planned Expansion of Brigham Young University - Hawaii From the State Agricultural District to the Urban District, Laie, Oahu
         Tax Map Keys: 5-5-006: Portions of 005 and Portion of 032

We have no objections to the subject petition as the Department of Facility Maintenance has no facilities or easements that will be impacted by the planned expansion of Brigham Young University in Laie, Oahu.

If you have any questions, please call Mr. Kyle Oyasato of the Division of Road Maintenance at 768-3697.
September 5, 2018

City and County of Honolulu
Department of Planning and Permitting
Community Planning Branch
Attention: Mr. Raymond Young, Acting Chief
950 South King Street; 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Young:

SUBJECT: Petition for a State Land Use District Boundary Amendment of Less than 15 Acres for the Planned Expansion of Brigham Young University - Hawaii

Thank you for the opportunity to review and comment on the subject matter. The Land Division of the Department of Land and Natural Resources distributed or made available a copy of your request pertaining to the subject matter to DLNR’s Divisions for their review and comments.

At this time, enclosed are comments from the (a) Engineering Division and (b) Land Division – Oahu District on the subject matter. Should you have any questions, please feel free to call Lydia Morikawa at 587-0410. Thank you.

Sincerely,

[Signature]

Russell Y. Tsuji
Land Administrator

Enclosure(s)
cc: Central Files
MEMORANDUM

TO: DLNR Agencies:
   - Div. of Aquatic Resources
   - Div. of Boating & Ocean Recreation
   - Engineering Division
   - Div. of Forestry & Wildlife
   - Div. of State Parks
   - Commission on Water Resource Management
   - Office of Conservation & Coastal Lands
   - Land Division – Oahu District
   - Historic Preservation

FROM: Russell Y. Tsuji, Land Administrator

SUBJECT: Petition for a State Land Use District Boundary Amendment of Less than 15 Acres for the Planned Expansion of Brigham Young University - Hawaii

LOCATION: Laie, Island of Oahu; TMK: (1) 5-5-006:005 (por.) & 032 (por.)

APPLICANT: Brigham Young University - Hawaii

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://hawaiioimt.sharepoint.com/sites/dlnr-ld](https://hawaiioimt.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. Brigham Young University
5. If you cannot access the document, please scan this memo and email to Quoc Le at quoc.le@hawaii.gov to grant you access.

Please submit any comments by September 5, 2018. 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.

( ) We have no objections.
(×) We have no comments.
( ) Comments are attached.

Signed: [Signature]
Print Name: Darlene Bryant-Takamatu
Date: 7/27/18

Attachments
cc: Central Files
DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Russell Y. Tsuji
Ref: Petition for a State Land Use District Boundary Amendment of Less than 15 Acres for the Planned Expansion of Brigham Young University - Hawaii, Laie, Island of Oahu; TMK: (1) 5-5-006:005 (por.) & 032 (por.)

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 Special Flood Hazard Area (high risk areas). State projects are required to comply with 44CFR regulations as stipulated in Section 60.12. Be advised that 44CFR reflects the minimum standards as set forth by the NFIP. Local community flood ordinances may stipulate higher standards that can be more restrictive and would take precedence over the minimum NFIP standards.

The owner of the project property and/or their representative is responsible to research the Flood Hazard Zone designation for the project. Flood Hazard Zones are designated on FEMA’s Flood Insurance Rate Maps (FIRM), which can be viewed on our Flood Hazard Assessment Tool (FHAT) (http://gis.hawaiinfip.org/FHAT).

If there are questions regarding the local flood ordinances, please contact the applicable County NFIP coordinating agency below:

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

Signed: [Signature]
CARY S. CHANG, CHIEF ENGINEER
Date: 5/20/13
September 6, 2018

Kathy Sokugawa, Acting Director
Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Ms. Sokugawa:

Subject: State Land Use Boundary Amendment (2018/SLU-1)
Agricultural to Urban, 14.85 Acres
Urban to Agricultural, 0.03 Acres
Planned Expansion for Brigham Young University
Tax Map Keys: (1) 5-5-006: Por. 005 & Por. 032

Thank you for the opportunity to review the State Land Use District Boundary Amendment (DBA) being processed by the City and County of Honolulu. The proposed expansion for Brigham Young University project consists of six areas which have a combined land area of 14.88 acres. Petition Areas 1-5 are from the State Agricultural Land Use District to the Urban Land Use District. Petition Area 6 is from the Urban Land Use District to the Agricultural Land Use District. The following description is based on the BYU-H Conceptual Site Plan.

Petition Area 1: 0.12 Acres. Expansion of married student housing.
Petition Area 2: 0.50 Acres. One married student apartment (proposed) and parking lot (existing)
Petition Area 3: 0.03 Acres. Agricultural to Urban Land Use District. Asphalt pavement of West Road Loop Extension.
Petition Area 4: 2.70 Acres. West area. Parking lot, grassed detention area and Electric Utilities Transformer and Telecommunications Building (EUTTB) (existing).
Petition Area 5: 1.53 Acres. Polynesian Cultural Center parking lot (existing).
Petition Area 6: 10.00 Acres. Three (3) single student dormitories (proposed).
Petition Area 6: 0.03 Acres.
The Petition indicates that the project will provide for the expansion and renovation of BYU-H for support, academic, and living facilities for students, faculty, and staff on campus. The expansion will accommodate the planned increase in total student enrollment from 2,900 to 3,500 students, and on-campus residency from the current 75% to 95%.

The Office of Planning (OP) has reviewed the transmitted material and offers the following comments:

1. The Petition does not assess the conformity of the proposed reclassification with the decision-making criteria in HRS §§ 205-16 and 205-17. While there is some discussion of relationship with provisions of the Hawaii State Plan, it should be explicitly stated that the proposed action conforms to the Hawaii State Plan. Pursuant to § 205-17 (2), there should be a discussion on the conformity of the Petition Area with the applicable Urban district standards - see Hawaii Administrative Rules § 15-15-18 for the district standards.

2. In accordance with HRS § 205-17(3)(A) regarding important natural systems or habitats, we note that the Petition does not include information on the flora and fauna within the Petition Areas. Such assessments should be provided in order to determine whether the proposed projects will have any significant impacts on any candidate, threatened or endangered species.

3. In accordance with HRS § 205-17(3)(B) regarding impacts on valued, cultural, historic or natural resources, we note the Petition does not include a cultural impact assessment. To preserve and protect customary and traditional native Hawaiian rights to the extent feasible, a cultural assessment should be provided, in particular, a Ka Paakai analysis. Pursuant to the Hawaii Supreme Court's ruling in Ka Paakai O Ka Aina v. Land Use Commission, specific findings must be made to address: 1) the identity and scope of 'valued cultural, historical, or natural resources' in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area; 2) the extent to which those resources—including traditional and customary native Hawaiian rights—will be affected or impaired by the proposed action; and (3) the feasible action, if any, to be taken to reasonably protect native Hawaiian rights if they are found to exist.

4. The Petition includes a Draft Archaeological Literature Review and Field Inspection for the BYUH Land Use Reclassification Project, Laie (Laie Wai and Laie Maloo) Ahupuaa, Koolaualoa District, Oahu TMKs (1) 5-5-006: 005, 032, and 035, by Cultural Surveys Hawaii, Inc. dated June 2017. The Petition did not indicate whether
the June 2017 draft report was submitted to the State Historic Preservation Division (SHPD) for review. We recommend that SHPD determination of historic preservation requirements be obtained prior to a decision on the Petition.

If you have any questions, please contact Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,

Leo R. Asuncion
Director
MEMORANDUM

TO: RUSSEL Y. TSUJI, Administrator
   Land Division

FROM: DAVID G. SMITH, Administrator

SUBJECT: Review of the Petition for a State Land Use District Boundary Amendment for the Planned Expansion of Brigham Young University - Hawaii

Thank you for the opportunity to review the Petition for a State Land Use District Boundary Amendment for the Planned Expansion of Brigham Young University – Hawaii. The Division of Forestry and Wildlife (DOFAW) would like to offer the following comments for consideration:

Landscaping

DOFAW offers the following recommendations regarding vegetation:

- Avoid importing soil or other plant material to Oahu from off-island. You may consider the Hawaii Interagency Biosecurity Plan at [http:/dlnr.hawaii.gov/hisc/planshibp/](http://dlnr.hawaii.gov/hisc/plans/hibp/) in planning, design, and construction so that the project is in-line with the plan.

- Remove non-native vegetation in the project area and revegetate with species native after construction. Selected native plant species for landscaping should be appropriate for the area (i.e., climate conditions are suitable for the plants to thrive, historically occurred there, etc.). Please do not plant invasive species. You may refer to [www.plantpono.org](http://www.plantpono.org) for guidance on selection and evaluation for landscaping plants.

- Maximize the tree canopy cover to the extent possible. Urban trees provide society with a variety of benefits, such as mitigating urban heat, improving watershed health, decreasing erosion and pollution on our coral reefs, reducing stress and crime in neighborhoods, improving air quality, and making our communities more livable. Developing landscaping and site planning for tree canopy whenever possible is recommended, as well as planning for the incorporation of new green infrastructure including appropriate planting spacing for canopy trees, selection of the right tree for the right place, and creation of green spaces for community use.
Seabird-friendly lighting
DOFAW notes that artificial lighting can adversely affect seabirds that may pass through the area at night, causing disorientation that could result in collisions with manmade artifacts or grounding of birds. If nighttime lighting is required, DOFAW recommends that any lights used be fully shielded to minimize impacts. For seabird-friendly lighting information, please refer to DOFAW’s website at http://dlnr.hawaii.gov/wildlife/.

Should you have any questions regarding the memorandum, please contact Marissa Chee at Marissa.M.Chee@hawaii.gov or (808) 587-4177.
Ms. Kathy K. Sokugawa  
Acting Director  
City and County of Honolulu  
Department of Planning and Permitting  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813  

Dear Ms. Sokugawa:  

Subject: Petition for State Land Use District Boundary Amendment (DBA)  
Brigham Young University – Hawaii (BYU-H)  
Laie, Oahu, Hawaii  
TMK: (1) 5-5-006: 005 (Por.), 032 (Por.)  

The Department of Transportation (DOT) has reviewed the subject Petition which proposes a DBA to reclassify 14.85-acres of land from the State Agriculture District to the Urban District, and 0.03-acres of land from the Urban District to the Agriculture District. The proposed project will provide various on-campus improvements such as expansion of single and married student accommodations which will allow for an increase in student enrollment and bring certain facilities within legal conformance.  

There was no traffic assessment included as part of the DBA application though there were brief explanations (C.3.b and C.3.d) which generally discussed that the expanding accommodations would result in students who currently live off-campus could now be accommodated on-campus, and that a proportion of the increase in enrollment would be among international students whose visa would prohibit owning a car and require working on-site. Generally, indicating a lessening of traffic.  

In consideration of this, the Highways Division has the following comments:  

1. Based on the short explanations contained in Sections C.3.b and C.3.d in the Application Chapter C. Written Statement, the proposed campus expansion is not anticipated to have a significant impact to our State highway facilities.  

2. Should there be unexpected effects attributable to the expansion of the BYU-H campus, the applicant shall mitigate those impacts to the satisfaction of the Highways Division at no cost to the State.
If there are any questions, please contact Mr. Blayne Nikaido of the DOT Statewide Transportation Planning Office at (808) 831-7979, or by email at blayne.h.nikaido@hawaii.gov.

Sincerely,

Jade T. Butay

JADE T. BUTAY
Director of Transportation
September 12, 2018

Russell Y. Tsuji, Land Administrator
Land Division, Department of Land and Natural Resources
P.O. Box 621
Honolulu, HI 96809
c/o Lydia.M.Morikawa@hawaii.gov

Raymond Young, Acting Chief
Department of Planning and Permitting, City and County of Honolulu
Community Planning Branch
650 South King Street, 7th Floor
Honolulu, HI 96813
c/o fkrantz@honolulu.gov

Dear Mr. Tsuji and Mr. Young:

SUBJECT: Chapter 6E-42 Historic Preservation Review—Request for Comments — Petition for a State Land Use District Boundary Amendment Of Less than 15 Acres for the Planned Expansion of Brigham Young University – Hawaii La‘iewai Ahupua’a, Ko‘olauloa District, Island of O‘ahu

TMK: (1) 5-5-006:005 por. and 032 por.

This letter provides the State Historic Preservation Division’s (SHPD’s) comments on the subject submittal. The applicant, Brigham Young University-Hawaii (BYU-H), requests to amend the State Land Use (SLU) District Boundary to transfer approximately 14.85 acres from the SLU Agricultural District into the SLU Urban District to accommodate planned expansion of the BYU-H campus. The proposed boundary amendment involves five non-contiguous areas located adjacent to the existing SLU Urban District within TMK: (1) 5-5-006:005 and 032. The SHPD received this submittal on July 27, 2018.

The BYU-H campus is located within a 210.8-acre area identified as TMK: (1) 5-5-006:005, 032, and 035. These lands are located within the SLU Urban and Agricultural Districts. The existing and developed campus facilities including academic buildings, university housing, student amenities, administration and support facilities, located within the SLU Urban District, totaling approximately 110.8 acres. The SLU Agricultural District, totaling approximately 100 acres, primarily contains open space, limited agricultural cultivation, a cultural preservation area (Nī‘oi Heiau), a Hawaiian Studies area, an Ethnobotanical Garden and Biology Research area, the Lā‘ie Trucking Company, LTD operation yard, agricultural roads, and various utilities.

The proposed 14.85-acre SLU Urban District expansion consists of five non-contiguous areas adjacent to the existing campus facilities, as shown on BYU-H on page 1 of the submittal, and a 0.03-acre (Petition Area 3) triangular area located on West Rood Loop Extension. The proposed petition/expansion areas include:
• Petition Area 1 (0.12-acre) future expansion area is located adjacent to Temple View Apartment Building (TVA) 25;
• Petition Area 2 (0.50-acre) future expansion area located adjacent to TVA 27;
• Petition Area 3 (0.03 acre) proposed transfer from SLU Urban to Agriculture area bounded by TVA 27 to the northwest, parking lot to southwest;
• Petition Area 4 (2.70-acres), possible expansion area, existing uses includes a parking lot, stormwater detention area, Electric Utilities Transformer and Telecommunications Building;
• Petition Area 5 (10.0-acres), future development of student dormitories; and
• Petition Area 6 (1.53-acres), existing parking lot serving the Polynesian Cultural Center and BYU-H, the proposed boundary amendment will bring the parking lot use into conformance with HRS §205.

On September 11, 2018, a meeting was held between Susan Lebo [SHPD, Archaeology Branch Chief]; Morgan Davis [Scientific Consultant Services, Inc.]; Franz Krahn [Department of Permitting and Planning (DPP), Planning Branch] and RM Towill Corporation consulting representatives to discuss the current project and Hawaii Revised Statutes 6E requirements.

Based on the information provided in the submittal and consultation meeting, SHPD has no objections Brigham Young University-Hawaii (BYU-H) request to amend the State Land Use (SLU) District Boundary to transfer approximately 14.85 acres from the SLU Agricultural District into the SLU Urban District to accommodate planned expansion of the BYU-H campus.

SHPD requests the opportunity to review future permits for proposed projects involving development and/or ground disturbing activities within the subject project area.

Please contact Dr. Susan A. Lebo, Archaeology Branch Chief, at Susan.A.Lebo@hawaii.gov or at (808) 692-8019 for any questions regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD
Administrator, State Historic Preservation Division
Deputy, State Historic Preservation Officer
ATTACHMENT 9
(LONG-TERM PRESERVATION PLAN
NIOI HEIAU, SITE 281)
LONG-TERM PRESERVATION PLAN

NI’OI HEIAU, SITE 281

Prepared by
Jonathan Napela Center for Hawaiian and
Pacific Islands Studies
Brigham Young University Hawai‘i
La‘ie, Hawai‘i

June 30, 2010

Prepared for the
Honolulu City Council and State Historic Preservation Division
Department of Land and Natural Resources
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SUMMARY

This report outlines the long-term comprehensive plan for preservation of the Ni’oi heiau Site 281 (in McAllister, 1933, same as Site 4460 in Dunn and Rosendahl, 1992), in compliance with the State Historic Preservation Division’s standard procedures. It represents the combined efforts and commitment of Brigham Young University Hawai‘i and Hawaii Reserves Inc. (HRI), to the La‘ie Community, the City and County of Honolulu, and the State of Hawai‘i.

The long-term plan presents a follow-up to the Final Interim Preservation Plan (FIPP) filed on February 5, 1996 by Hawaii Reserves Inc. This report is submitted by Brigham Young University Hawai‘i with advisement from HRI. BYUH is the legal owner of the land, and the Hawaiian Studies program in the Jonathan Napela Center for Hawaiian and Pacific Islands Studies at BYUH will assume primary responsibility for preservation of Ni’oi heiau.

DELAY IN FILING

As proposed in the FIPP it had been HRI’s intent to work closely with the newly created Hawaiian Studies program (1998) to incorporate the Ni’oi heiau into its academic and cultural enrichment objectives. Completing the final plan also necessitated handing off the creation of the plan from HRI, who wrote the FIPP, to BYUH. Mitigating factors which included the long-term illness of the late Director of the Hawaiian Studies program, William Kauaiwiulaokalani Wallace, culminating in his passing, delayed completion and filing of the long-term plan.

During the period since the filing of the FIPP (1996) until now, Ni’oi heiau has remained undisturbed with Hawaiian Studies staff watching over the area and ensuring that no activity on the heiau other than periodic visits by staff, faculty accompanied students, and local kupuna. The site remains in a natural state. There have been no disturbances to the site since the interim report with the exception of minimal restorative effort to clear some brush leading up to the heiau.
In September 2009, HRI brought the issue regarding the overdue long-term plan and the need for it to be filed with the Department of Land and Natural Resources (DLNR) to the attention of the new director of the Napela Center for Hawaiian and Pacific Islands Studies, Dr. Hiagi M. Wesley. Since that time the center has researched the archaeological, historical, and ethnographic documents, and has sought community input from the local La’ie Kupuna Council in order to provide an informed long-term plan.

**PLAN PROCEDURES**

In accordance with its commitment to the La’ie Community, the City and County of Honolulu, and the State of Hawai’i, HRI agreed to a two-step process of site preservation. The first step was the filing of the FIPP (February, 1996) with the Division of Land and Natural Resources - State Historic Preservation Division (DLNR-SHPD).

The second step called for a long-term plan for the preservation of the Ni’oi heiau. The Napela Center for Hawaiian and Pacific Islands Studies at BYUH has assumed responsibility for creation of the long-term plan in consultation with HRI.

**LONG-TERM PLAN OBJECTIVES**

The Long-Term Plan for Site 281 (4460) focuses on four main objectives:

1. Provide a responsible preservation and maintenance plan for Site 281.

2. Accessibility to the site - Provide appropriate access with proper limitations that balances the public’s desire to visit the site against safety considerations and the need to protect it from damage.

3. Signage designating the site – Determine appropriateness of signage if at all, and verbiage if necessary.

PLAN DELINEATION

The Long-Term Preservation plan does not:

- Address other identified historical sites in the ACS (Area of Cultural Significance), but will be restricted to the Ni’oi heiau on BYUH property.

- The LWRF (La’ie Water Reclamation Facility) began its new operations on 27 June 1997. Since that time such factors as dust, noise, view and odor do not pose an unwarranted nuisance or danger to the Ni’oi heiau.

- Since quarrying activities ceased upon finding the iwi on 10 May 1995, the threat to the site raised in the FIPP (1996) no longer remains. HRI monitors and ensures that no activity in the adjacent area affects the Ni’oi heiau.

COMMUNITY INPUT

This Long-Term Plan was developed out of discussions with and feedback from the La’ie community and the La’ie Kupuna Council in a variety of meetings. Similar recommendations by the community found in a preliminary draft report produced by HRI (September, 1996) were included with the current recommendations of the council.

The La’ie Kupuna Council members were invited to attend a meeting called by the Napela Center on the BYUH campus, March 1, 2010. Additionally, the La’ie Kupuna Council met on at least two occasions at Kahua’ōla, below Site 281 (at 4458), to deliberate and make decisions independently. In the two independent meetings, key kupuna including Gladys Pualoa Auna, Kela Miller, Ahi Logan, Cy Bridges and Mr. and Mrs. Randolph Kekau’ōha, and Dawn Wasson attended. In the last meeting on March 10 Joe Ah Quin joined the same individuals identified above. Dawn Wasson was contacted but did not attend. Cy Bridges served as the spokesman for the Kupuna and relayed the feelings and decisions of the group to the BYUH Napela Center director.
SITE TOPOLOGY

The Ni’oi heiau, Site 281 (4460) sits on a discrete topographical feature 195 feet high. On the kai-side (east) and northern side of the site, the abrupt cliffs and tall jarring coral outcropping create a natural barrier to accessing the Ni’oi heiau. On the southern side facing the old quarry the steep rise in the hill as well as the thick stands of California grass, cane, *koa* and *hau* trees serve as natural deterrents for intruders. On the mauka-side (west), *koa* and *hau* trees as well as thick stands of reeds and bushes make accessibility prohibitive. The site is separated from the LWRF by about 340 to 350 feet with an uneven and upward gradation including vegetation (FIPP pp. 3-4).

RECOMMENDATIONS

I. PRESERVATION

Preservation is…the act or process of utilizing procedures to maintain the existing form, integrity, and material of a structure, and the existing form and vegetative cover of a site (36 CFR Part 60.2[b]).

Consistent with this definition of preservation and the recommendations of archaeological consultants, Dunn and Rosendahl (1992) and Mitchell (Memorandum 1995), BYUH Hawaiian Studies will preserve Site 281 “as is”. This applies to the structure and its natural topology including the vegetation.

It is also the expressed decision of the La'ie Kupuna council that this site, viewed by the Hawaiians as sacred, should remain in its “natural state” for this represents “the ancestors’ way of keeping sacred places.” (Cy Bridges, March 18, 2010)

In order to preserve the Ni’oi heiau in its natural state, the subsequent recommendations will be followed:

Most of the existing vegetation will be left in place as it adds to the physical protection of the site. The buffer that surrounds the site averages over 100 feet and will remain in perpetuity. Most of the buffer comprises dense tree cover and lower vegetation such as *hau*. 
BYUH Hawaiian Studies will continue to safeguard the Ni’oi heiau “as is” within the recognized buffer. This will include regular monitoring of the site to ensure that current conditions are maintained and that there are no imminent disturbances.

**A. MAINTENANCE**

The Hawaiian Studies program of the Napela Center at BYUH will be responsible for the maintenance of the Ni’oi heiau. This will include consistently removing any litter and unwanted debris from the site. This maintenance plan includes identification of the unsafe or deteriorated portions of the site and development of a plan to strengthen it by adhering to state law.

Clearing or removal of the vegetation on the Ni’oi heiau is prohibited since it could disturb and possibly alter the topographical surface or compromise the vulnerable archaeological remains of the Ni’oi heiau.

The only clearing permitted will be at the base of outcropping on the side facing the LWRF, well removed from the heiau structure on the top. Students from BYUH Hawaiian Studies program and members of the La‘ie community will clear the *hale koa* trees and debris.

**B. FENCING**

Since the Ni’oi heiau is to be left in its natural state, and because natural barriers protect the north and east facing boundaries, it is the consensus of the interested parties to erect an inconspicuous barrier fence of a single cable to run the length of west and south borders. This is to prevent encroachment by farming activities in the area and inhibit inadvertent encroachment on to the property. The La‘ie Kupuna Council and BYUH have determined this simple barrier will protect the sight while avoiding a more prominent fence that may draw curiosity seekers and entice unauthorized guests to the Ni’oi heiau. The orange construction fence erected on the south slope to delineate Site 281 during the quarrying period is no longer needed since such activities have ceased. The remains of this fence will be removed.
C. CONTINUOUS ONGOING STUDY

The Hawaiian Studies program will actively study the flora and fauna, the
topographical formation, as well as the historical and cultural features of the Ni’oi
heiau to preserve Site 281. The program will continue to incorporate as part of its
ongoing and long-range curriculum the study of Ni’oi heiau through collaborative
efforts with other professionals from within and outside the university, including
botanists, geologists, historians, and archaeologists. Continuous study will help
address questions concerning the history and cultural significance of the site. The
Hawaiian Studies program may publish information explaining any findings from
time to time.

To ensure maintenance of the Ni’oi heiau’s natural state any efforts by the BYUH
Hawaiian Studies program to conduct research or improve interpretation of Site
281 shall meet the requirements set forth in the DLNR-SHRD administrative rules.

II. PUBLIC ACCESS

In determining public access to Site 281 (4460), it is important to consider the
following factors contained in the FIPP (1996):

1) there is no documented history of a continuous thread of use, even
   intermittently, of the site as a heiau where human sacrifices were
   conducted; 2) the site is remote enough that an unsupervised general
   accessibility plan might encourage rather than discourage visitation... 3) since
   the raising of the Ni’oi heiau issue, there has been added damage
done to the site by itinerant curiosity seekers; and 4) that the site and its
access roads are on private property, and that the landowner has a
stewardship and liability over that property.

Therefore, any and all plans for accessibility must be tempered by equal
concerns for preservation and protection of the site, lest accessibility lead
to irreversible damage to the Ni’oi heiau. (FIPP, p.6)

The report also identifies the need for the landowner’s protection from possible
liability due to injury to people visiting or staying at Site 281. (FIPP, p.6)
The Ni’oi heiau will not be locked. It will be used by the students and faculty of BYUH as a classroom to learn and study about the history of Hawaiian people and their environment.

It will be open to restricted visitors who must adhere to the following:

1. Submit written requests for reasonable and non-confrontational access to Site 281 to the Director of the Jonathan Napela Center for Hawaiian and Pacific Islands Studies program.

2. Visitors will be required to complete the Assumption of Risk and Limited Release Agreement which include the requirements for visiting the Ni’oi heiau. Any visitors to the site must sign a release and waiver acknowledging that they are on private property, and are entering at their own risk.

3. Visiting hours to the Ni’oi heiau will be from 8 a.m. – 5 p.m., Monday through Friday, or at other appropriate times by special arrangement with the Director of the BYUH Jonathan Napela Center.

4. Visitors must adhere to HRS Chapter 6E-11 governing historic properties on private lands. They must not take, move, remove, or wrap rocks at Site 281 or commit any waste on or damage to the premises.

5. Visitors will not be allowed to cut, deface, or damage the vegetation and topographical features of the site.

6. Visitors will not commit any activity that may resemble or be related to a luakini (human sacrifice), or perform any activity that is illegal or prohibited by law.

7. Visitors will not build fires on the site. This might destroy the site or alter the overall topographical forms.

8. Visitors will not hold parties or any type of activity which will detract from the sacredness of the Ni’oi heiau.

9. Visitors will not be allowed to camp or stay overnight on the site.
10. Visitors to the site will be accompanied by a regular full-time employee of the Hawaiian Studies Program.

11. Visitors will be prosecuted for trespassing on the property or failure to comply with the specific conditions outlined above.

III. SIGNAGE

Reiterating the preservation plan to leave the site in its natural state, the La'ie Kupuna Council and the landowner (BYUH) recommend **signage should not be used** to designate the location of the Ni'oi heiau. Usage of signs will draw undue attention to the heiau and may invite unwanted intruders.

Commensurate with this recommendation, plaques, monuments or any type of symbol or physical feature resembling that of a sign will be prohibited at Site 281.

IV. BURIAL TREATMENT PLAN

Active bulldozing at the quarry ceased in May, 1995. A memorandum from Sara Collins, Ko/La/Mo Archeologist, dated 12 May 1995, indicates that bones turned up by these activities were recovered at three locales. These remains were subsequently reinterred in the La’ie Cemetery under direction of the State Historic Preservation Division. Since that date the sites for the discovered graves have been left intact and remain undisturbed with vegetation cover making the sites now unrecognizable. BYUH Hawaiian Studies proposes that any residual skeletal remains be left at Site 281 undisturbed and protected by the natural buffers comprised of heavy vegetation growth and the steep embankment. No activity will be permitted around or near the burial sites including cleaning or removal of vegetation.
CONCLUSION

This Long-Term Plan will ensure that the BYUH Hawaiian Studies Program retains responsibility for the maintenance and preservation of the Ni’oi heiau. Integrating the study of the heiau into the program’s curriculum will increase knowledge about Hawaiian history and culture. Learning about the natural flora and fauna, topographical forms and the cultural significance of the site will provide increased knowledge to students and the community.

The Long-Term Plan represents collaboration between the university and the La’ie Kupuna Council. The council members want to preserve the Ni’oi heiau as a sacred location. They do not want the property desecrated or used inappropriately. They wish for the BYUH Hawaiian Studies program to assume full responsibility for the overall protection and maintenance with continued input from the community and council.

SOURCES


DLNR (Department of Land and Natural Resources-State of Hawaii)

Hammatt, Hallet H., Ph.D. Archaeological Survey of the La’ie Sewer Plant with Historical Background on la’ie Ahupua’a, Cultural Surveys Hawaii, September 1991.
Hawaii Administrative Rules, Title 13, Subtitle 6, Chapters 146-153 (Proposed Draft Rules) and Subtitle 13, Chapter 300.


Hawaii Revised Statutes, Section 6E-43.6 (1995).


Mitchell, Rudy. Letter to and personal interview with Eric Beaver regarding his visit to sites 4454 and 281 entitled, “Name Nioi Redefined.” December 22 and 27 1995; Memorandum re preservation of Site 281, January 19, 1996; and Memorandum re Burial Treatment Plan, Traditional Hawaiian Burial customs, and Draft long-Term Preservation Plan for Site 281, September 1, 1996.


Ordinance 95-65 and 95-66, City and County of Honolulu, (November 21, 1995).

Reburial Agreement, Contract between Zions Securities and the State of Hawaii, Board of Land and natural Resources, Regarding skeletal remains of unidentified individual(s) inadvertently discovered on Zions Securities property with a provision to provide perpetual protection to the reburial site, (August 12, 1993).

EXHIBIT B

LEGEND

★ Skeletal Remains

★ Burial Site - Features D & E

★ Inadvertent Discovery
(Collins 1995)

RELATIONSHIP OF THE LWRF TO
NIOI HEIAU & ASSOCIATED SITE 4458

LAIE WATER RECLAMATION FACILITY SEIS
ATTACHMENT 10
(DRAFT ORDINANCE FOR THE STATE LAND USE DISTRICT BOUNDARY AMENDMENT)
A BILL FOR AN ORDINANCE

TO AMEND PORTIONS (14.85 ACRES) OF THE STATE LAND USE DISTRICT BOUNDARY MAP (KAHUku QUADRANGLE) FROM THE AGRICULTURAL DISTRICT TO THE URBAN DISTRICT AND A PORTION (0.03 ACRES) FROM THE URBAN DISTRICT TO THE AGRICULTURAL DISTRICT FOR CERTAIN LANDS SITUATED AT BRIGHAM YOUNG UNIVERSITY – HAWAII, LAIE, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Portions (14.85 acres) of the State Land Use District Boundary Map (Kahuku Quadrangle) are hereby amended by reclassifying certain lands in Laie on the Brigham Young University – Hawaii campus from the Agricultural District to the Urban District, and a portion (0.03 acres) from the Urban District to the Agricultural District, as shown on the map attached hereto, marked “Exhibit A” and by reference made a part hereof. The purpose of this amendment is to place five areas of land (Areas identified as portions of Tax Map Key 5-5-006: 005) in the Urban District and one area of Tax Map Key 5-5-006: 032 in the Agricultural District.
SECTION 2. This ordinance shall take effect upon its approval.

INTRODUCED BY:

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____________________________________

DATE OF INTRODUCTION:

____________________________________

____________________________________

Honolulu, Hawaii ____________________ Councilmembers

APPROVED AS TO FORM AND LEGALITY:

____________________________________
Deputy Corporation Counsel

APPROVED this _____ day of _____________, 20 ____.

____________________________________
KIRK CALDWELL, Mayor
City and County of Honolulu