

# OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE  
GOVERNOR

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Statement of  
**MARY ALICE EVANS**  
Director, Office of Planning  
before the  
**HOUSE COMMITTEE ON WATER AND LAND**  
Tuesday, February 16, 2021  
8:30 a.m.  
Conference Room 430, Videoconference

in consideration of  
**HB 1070, HD1**  
**RELATING TO UNIVERSITY DISTRICTS.**

Chair Tarnas, Vice Chair Branco, and Members of the House Committee on Water and Land.

The Office of Planning (OP) serves as the lead agency of the Hawaii Coastal Zone Management (CZM) Program, which was approved by the federal government in 1978, as defined in Hawaii Revised Statutes (HRS) Chapter 205A.

The OP respectfully raises concerns regarding the proposal in HB 1070, HD1 to submit all requests for proposed development within the county special management areas (SMAs), and shoreline setback variances for development on any lands within a University of Hawaii (UH) district to OP for review and offers the following **comments**:

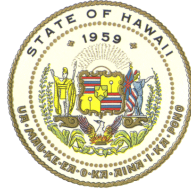
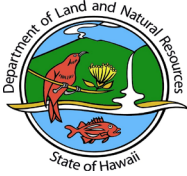
1. Page 5, lines 17-20 and page 6, lines 1-2 state that upon its effective date, UH campus development rules shall supersede all other county ordinances and rules relating to the use, zoning, planning, and development of land and construction that are inconsistent with this chapter and the campus development rules. OP has concerns about the meaning and who will make the determination of criteria for inconsistency of all other county ordinances and rules relating to the use, zoning, planning and development of land and construction with the UH campus development rules. For example, according to HB 1070, HD1 on page 6, lines 18-19, HRS § 205A-26(2)(c) “consistent with the county general plan, community plan and zoning” shall not apply to the review of developments of land of university of Hawaii within a SMA.
2. HB 1070, HD1 sets a precedent for state entities to avoid compliance with the county land use policies, ordinances and rules, as amended, even though such state entities are situated in their respective counties and serve their local communities, such as community colleges.

Based on our understanding of the proposed measure, this could include development for Maui Community College, Kapiolani Community College, and the John A. Burns School of Medicine which all fall within the SMA.

3. It is not appropriate for HB 1070, HD1 to require OP, which is a *state* agency, to apply *county* SMA and shoreline setback rules or ordinances, to review the applications for SMA permit and shoreline setback variances specifically for the UH system. As required, OP will become a UH agent to apply for SMA permits and shoreline setback variances for their projects from the counties. OP as the lead agency of the CZM program should not be assigned with such liability and responsibility by involving in specific projects with the SMA county authorities for a state agency such as UH.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
WATER & LAND**

**Tuesday, February 16, 2021  
8:30 AM**

**State Capitol, Via Videoconference, Conference Room 430**

**In consideration of  
HOUSE BILL 1070, HOUSE DRAFT 1  
RELATING TO UNIVERSITY DISTRICTS**

House Bill 1070, House Draft 1 proposes to provide a framework that supports consistent land use planning and development across the University of Hawaii (UH) System and allows project partnerships with qualified persons. The House Committee on Higher Education and Technology amended this measure by deleting a provision proposes to exempt university district developments within special management areas (SMA) from SMA permitting and shoreline setback variance requirements, defecting the date, and making technical, nonsubstantive amendments. **The Department of Land and Natural Resources (Department) offers the following comments.**

Currently, UH campuses fall under the jurisdiction of numerous state and county zoning, planning, and permitting processes. These jurisdictional variations lead to inconsistent regulatory processes across campuses, which make it difficult to strategically consider the UH system as a whole for the benefit of the people it serves. This measure proposes to resolve the issue of jurisdictional inconsistency by allowing UH's Board of Regents to designate UH campuses as university districts. After designation, the President of UH shall develop campus development plans for the designated districts and establish campus development rules under Chapter 91, Hawaii Revised Statutes.

The Department notes UH System leases at least eight parcels from the Department which fall under the jurisdiction of the Board of Land and Natural Resources (Board) across campuses on Oahu and Hawaii Island. Any development or construction projects on leased lands require prior approval by the Board. Should this measure be enacted into law, the Board will still need to authorize projects on leased lands that fall within the proposed university districts.

Thank you for the opportunity to comment on this measure.

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

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Water & Land  
February 16, 2021 at 8:30 a.m.

by  
Kalbert K. Young  
Vice President for Budget and Finance/Chief Financial Officer  
University of Hawai'i System

### HB 1070 HD1 – RELATING TO UNIVERSITY DISTRICTS

Chair Tarnas, Vice Chair Branco, and members of the Committee:

Thank you for the opportunity to present testimony today.

The University of Hawai'i (University) supports House Bill No. 1070 HD1, Relating to University Districts. This bill provides a framework that promotes more consistent land use planning and development across the University System throughout the State and better allows for project partnerships with the private sector.

The University considers this approach to be an overlay of additional zoning considerations rather than circumventing entire county entitlement processes. The bill authorizes the University President to propose a university district to the Board of Regents. A university district can only include real property that is: (1) held by the University; or (2) held in partnership with “any individual, partnership, corporation, or any public agency possessing the competence, expertise, experience, and resources, including financial, personnel, and tangible resources, required for the purposes of a project and other qualifications as may be deemed desirable by the university[.]” A university district cannot include real property located within a conservation district, and the real property must be part of an existing campus or contiguous with it.

If the Regents approve the President’s proposal after a public meeting, the Regents may designate a university district. Once designated, the President must develop a campus development plan that the Regents must also adopt at a public meeting. If the Regents approve the development plan, the Regents must establish campus development rules under chapter 91, Hawai'i Revised Statutes, which allows for a public hearing.

The purpose of the rules is to implement the plan. The rules must follow existing county rules, ordinances, and regulations as closely as is consistent with standards meeting minimum requirements of good design, pleasant amenities, health, safety, and coordinated development. Once approved, the rules supersede all other inconsistent

county ordinances and rules relating to the use, zoning, planning, and development of land within a university district.

This planning and land use framework ensures good planning, allows for public input, and creates opportunities for the University to leverage private sector investment in the development of the University for the benefit of its students, faculty, and staff. In particular, it helps advance public-private partnerships similar to what other universities have used for various campus projects such as parking structures, student and faculty housing, and transit-oriented development. All of the facilities, projects, and uses are already occurring and are customary on school campuses – and, they are built on State-owned lands of the University. The bill will provide an opportunity for consistent systemwide planning and resource allocation across the University's ten campuses, which are now subject to different use, zoning, planning, and development regulations depending on which county the campus is located.

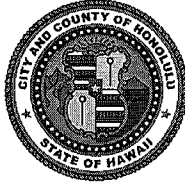
The University considers this approach to be an overlay of additional zoning considerations rather than circumventing entire county entitlement processes. The University acknowledges issues identified by the Office of Planning, the Department of Land and Natural Resources, the City's Department Planning and Permitting as provided to the earlier house committee. The University does not intend that any of its future campus development projects would be inconsistent with sound zoning and other jurisdictional entitlements. The University supports this bill because it would serve to overlay a more consistent planning construct across all its campuses in the State. To this end, I believe that incorporating workable parameters in the statute is possible through HB 1070 HD1.

Thank you for this opportunity to testify.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI  
MAYOR



DEAN UCHIDA  
DIRECTOR DESIGNATE  
DAWN TAKEUCHI APUNA  
DEPUTY DIRECTOR  
EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

February 16, 2021

The Honorable David A. Tarnas, Chair  
and Members of the Committee on  
Water and Land  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Committee Members:

**Subject: House Bill No. 1070, HD 1  
Relating to University Districts**

The Department of Planning and Permitting (DPP) **opposes** House Bill No. 1070, HD 1, which would allow the creation of university districts through which the University of Hawaii (UH) system would be exempt from each county's zoning ordinances, planning, and permitting processes. The university districts may include real property that is held by the UH in partnership with a "qualified person," which may be a private individual or corporation.

Without any geographical limits, the UH could, on its own, or in partnership with any private "qualified person," develop any land within the City & County of Honolulu, exempt from the City's zoning ordinances, long-range General Plan and Development Plans, and permitting processes, which help to ensure health, safety and connectivity, as well as consistency with the community's values, priorities, and visions for the future. In particular, UH West Oahu, Leeward Community College, and Honolulu Community College, all part of the UH system, located within the City's transit oriented development (TOD) zones, would be allowed to develop inconsistent with TOD plans.

For these reasons, we ask that this Bill be held in Committee.

Thank you for the opportunity to provide testimony.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dean Uchida".

Dean Uchida  
Director Designate