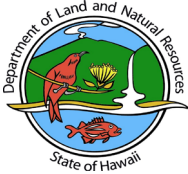


DAVID Y. IGE
GOVERNOR OF HAWAII



**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
HIGHER EDUCATION AND TECHNOLOGY**

**Friday, February 5, 2021
2:00 PM
State Capitol, Via Videoconference**

**In consideration of
HOUSE BILL 1070
RELATING TO UNIVERSITY DISTRICTS**

House Bill 1070 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. 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 makes it difficult to strategically consider the UH system as a whole for the benefit of the people it serves. This measure proposes 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 (HRS). **The Department of Land and Natural Resources (Department) offers the following comments.**

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.

Furthermore, the Department notes that Maui Community College is situated on lands set aside to UH under Executive Order 4292 and the John A. Burns Medical School leases lands in Kakaako from the Department of Business Economic Development and Tourism. These lands fall within the special management area (SMA). Accordingly, under the proposed measure, any development on these parcels as part of a university district would still need to be approved by the State Office of Planning or undergo the regular SMA process as determined by the county.

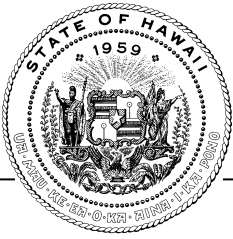
Thank you for the opportunity to provide testimony on this measure.

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



OFFICE OF PLANNING STATE OF HAWAII

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR
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Statement of
MARY ALICE EVANS
Director, Office of Planning
before the
HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY
Friday, February 5, 2021
2:00 P.M.
Videoconference

in consideration of
HB 1070
RELATING TO UNIVERSITY DISTRICTS.

Chair Gregg Takayama, Vice Chair Lynn DeCoite, and Members of the House Committee on Higher Education and Technology.

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.

The OP respectfully offers comments and raises concerns regarding the proposal in HB1070 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 approval:

1. Page 5, lines 6-10, upon its effective date, UH campus development rules shall supersede all other inconsistent county ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon. OP has concerns about the meaning and determination of criteria for inconsistency with the county ordinances and rules relating to the use, zoning, as they apply to development of land in the UH system. For example, according to HB 1070 on page 6, lines 3-4, Hawaii Revised Statutes (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 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.
3. Pursuant to the Hawaii CZM Law, HRS Chapter 205A, the county planning commissions, except on Oahu where it is the city council, are the SMA authorities in

charge of designation of their county SMAs and SMA uses. As a crucial part of the Hawaii CZM network, the four counties have established their SMA authorities since the enactment of Act 176, Session Laws of Hawaii 1975, to administer their county SMA uses with public participation, which is one of the CZM objectives for SMA permitting and shoreline setbacks.

4. Pursuant to HRS Chapter 205A, applications for SMA use permits and shoreline setback variances are required to hold public hearings in the county where the proposed developments are located. The OP does not have staff resources to regulate and enforce SMA permitting and shoreline setbacks for the counties. Furthermore, it is not appropriate for OP, which is a *state* agency, to apply *county* SMA and shoreline setback rules or ordinances, as required by HB 1070, to process SMA permitting and shoreline setbacks specifically for the UH system.

Thank you for the opportunity to testify on this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education & Technology
February 5, 2021 at 2:00 p.m.

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

HB 1070 – RELATING TO UNIVERSITY DISTRICTS

Chair Takayama, Vice Chair DeCoite, 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, 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 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.

Thank you for this opportunity to testify.