



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Higher Education  
and  
Senate Committee on Water and Land  
February 9, 2021 at 3:00 p.m.

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

### SB 1224 – RELATING TO UNIVERSITY DISTRICTS

Chairs Kim and Inouye, Vice Chairs Kidani and Keith-Agaran, and members of the Committees:

Thank you for the opportunity to present testimony today.

The University of Hawai'i (University) supports Senate Bill No. 1224, 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.

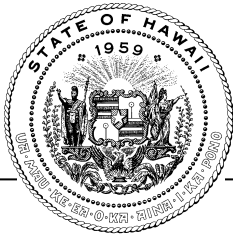
If the Regents approve the President's proposal after a public meeting, the Regents may designate a university district. Once designated, the President must develop a campus development plan that the Regents must also adopt at a public meeting. If the Regents approve the development plan, the Regents 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.



# 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 COMMITTEES ON HIGHER EDUCATION AND WATER AND LAND**  
Tuesday, February 9, 2021  
3:00 P.M.  
Videoconference

in consideration of  
**SB 1224**  
**RELATING TO UNIVERSITY DISTRICTS.**

Chairs Kim and Inouye, Vice Chairs Kidani and Keith-Agaran, and Members of the Senate Committees on Higher Education and Water & 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.

The OP respectfully offers **comments** and raises concerns regarding the proposal in SB1224 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:

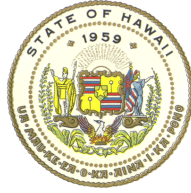
1. Page 5, lines 6-10, upon its effective date, UH campus development rules shall supersede all other inconsistent county ordinances and rules relating to the use, zoning, planning, and development of land and construction thereon. OP has concerns about the meaning and determination of criteria for inconsistency 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 SB 1224 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. SB 1224 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 SB 1224, to process SMA permitting and shoreline setbacks specifically for the UH system.

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 Senate Committee on  
HIGHER EDUCATION AND TECHNOLOGY**

**Tuesday, February 9, 2021  
3:00 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 1224  
RELATING TO UNIVERSITY DISTRICTS**

Senate Bill 1224 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 that the 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 adopted, 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 comments on this measure.

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

**ROBERT K. MASUDA**  
FIRST DEPUTY

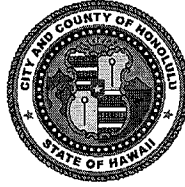
**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

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

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RICK BLANGIARDI  
MAYOR



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

February 9, 2021

**LATE**

The Honorable Donna Mercado Kim, Chair  
and Members of the Committee on  
Higher Education

The Honorable Lorraine R. Inouye, Chair  
and Members of the Committee on  
Water and Land

Hawaii State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Kim, Inouye, and Committee Members:

**Subject: Senate Bill No. 1224  
Relating to University Districts**

The Department of Planning and Permitting (DPP) **opposes** Senate Bill No. 1224, 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.

The Honorable Donna Mercado Kim, Chair  
and Members of the Committee on  
Higher Education  
The Honorable Lorraine R. Inouye, Chair  
and Members of the Committee on  
Water and Land  
Hawaii State Senate  
February 9, 2021  
Senate Bill No. 1224  
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Thank you for the opportunity to provide testimony.

Very truly yours,

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

Dean Uchida  
Director Designate