

JAN 27 2021

A BILL FOR AN ACT

RELATING TO UNIVERSITY DISTRICTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The University of Hawaii includes three
2 university campuses and seven community college campuses located
3 in four counties across the state of Hawaii. Each county has
4 unique zoning ordinances, planning, and permitting processes.
5 Furthermore, each county has its own set of approvals and
6 decision making entities, including various and several
7 departments, boards and commissions, and county councils.

8 In addition to the university's educational functions,
9 campuses include a variety and mix of other uses that serve the
10 university or college community and enhance the overall
11 educational experience provided by a university or college.
12 These jurisdictional variations lead to inconsistent regulatory
13 processes across campuses, which makes it difficult to
14 strategically consider the University of Hawaii system as a
15 whole for the benefit of the people it serves.

16 The purpose of this Act is to provide a framework that
17 supports consistent land use planning and development across the

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1 University of Hawaii system and allows project partnerships with
2 qualified persons.

3 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
4 amended by adding to part I a new subpart to be appropriately
5 designated and to read as follows:

6 " . UNIVERSITY DISTRICTS

7 **§304A- Definitions.** As used in this subpart:

8 "Campus" means contiguous parcels of real property held by
9 the university or in partnership with a qualified person, that
10 comprise the university campuses at Manoa, Hilo, West Oahu, and
11 each of the seven community colleges. Contiguous parcels
12 include parcels separated by a public or private highway or
13 trail.

14 "Conservation district" has the same meaning as provided in
15 section 205-2.

16 "County" means any county of the state.

17 "Project" means a specific work or improvement, including
18 real and personal properties, or any interest therein, acquired,
19 owned, constructed, reconstructed, rehabilitated, or improved by
20 the university or in partnership with a qualified person.

21 "Public agency" means any office, department, board,
22 commission, bureau, division, public corporation, agency, or
23 instrumentality of the federal, state, or county government.

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1 "Qualified person" includes any individual, partnership,
2 corporation, or any public agency possessing the competence,
3 expertise, experience, and resources, including financial,
4 personnel, and tangible resources, required for the purposes of
5 a project and other qualifications as may be deemed desirable by
6 the university in administering this subpart.

7 "Real property" means lands, structures, and interests in
8 land, including lands under water and riparian rights, space
9 rights, and air rights, and any and all other things and rights
10 usually included within the term. Real property also means any
11 and all interests in the property less than full title, such as
12 easements, incorporeal hereditaments, and every estate,
13 interest, or right, legal or equitable, including terms for
14 years and liens thereon by way of judgments, mortgages, or
15 otherwise.

16 **§304A- Designation of university districts; campus**
17 **development plans.** (a) The president may propose that a campus
18 be designated as a university district to the board of regents.
19 The designation shall describe the boundaries of the district.
20 Upon receipt of a proposal, the board of regents may designate
21 the proposed campus a university district.

22 (b) A university district shall not include real property
23 that is:

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- 1 (1) Not held by the university or in partnership with a
- 2 qualified person, or
- 3 (2) Located within a conservation district.
- 4 (c) After designation, the president shall develop a
- 5 campus development plan for the designated district. The campus
- 6 development plan shall include but not be limited to campus
- 7 development guidance policies and a campus capital improvement
- 8 program. The development plan shall support the purposes of
- 9 this chapter. The president shall present the proposed campus
- 10 development plan to the board of regents for their consideration
- 11 and adoption.
- 12 (d) Whenever possible, planning activities of the
- 13 university shall be coordinated with affected public agencies,
- 14 and consideration shall be given to state and county plans
- 15 adopted under chapter 226.
- 16 (e) Chapter 91 is not applicable to the designation of a
- 17 university district or the adoption of a campus development
- 18 plan.
- 19 **§304A- Campus development rules.** (a) After adoption of
- 20 a campus development plan, the board of regents shall establish
- 21 campus development rules under chapter 91, related to the
- 22 health, safety, building, planning, zoning, and land use. Rules
- 23 adopted under this section shall follow existing county rules,

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1 ordinances, and regulations as closely as is consistent with
2 standards meeting minimum requirements of good design, pleasant
3 amenities, health, safety, and coordinated development.

4 (b) At least one public hearing shall be held on the
5 island where the proposed university district is located.

6 (c) Upon its effective date, campus development rules
7 shall supersede all other inconsistent county ordinances and
8 rules relating to the use, zoning, planning, and development of
9 land and construction thereon. Campus development rules shall
10 not supersede or replace state rules or laws.

11 **§304A- Developments within special management areas and**
12 **shoreline setback.** (a) Notwithstanding chapter 205A, all
13 requests for developments within a special management area and
14 shoreline setback variances for developments on any lands within
15 a university district, for which a campus development plan has
16 been adopted, shall be submitted to and reviewed by the lead
17 agency as defined in chapter 205A. In university districts for
18 which a campus development plan has not been adopted, parts II
19 and III of chapter 205A shall continue to be administered by the
20 applicable county authority until a campus development plan for
21 the university district takes effect.

22 (b) In the review of such requests, the lead agency shall
23 conform to the following, as deemed appropriate:

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1 (1) Applicable county rules adopted in accordance with
2 section 205A-26 for the review of developments within
3 a special management area, except that paragraph
4 (2) (C) of section 205A-26 shall not apply; and

5 (2) Part III of chapter 205A and applicable county rules
6 for the review of developments within the shoreline
7 setback.

8 (c) With the approval of the lead agency, the developments
9 may be allowed without a special management area permit or
10 shoreline setback variance as required by chapter 205A."

11 SECTION 3. This Act, upon its approval, shall take effect
12 on July 1, 2021.

13
14 INTRODUCED BY: 
15 BY REQUEST

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Report Title:

University of Hawaii

Description:

Provide a framework that supports consistent land use planning and development across the University of Hawaii System and allows project partnerships with qualified persons.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: University of Hawaii

TITLE: A BILL FOR AN ACT RELATING TO UNIVERSITY DISTRICTS.

PURPOSE: Provide a framework that supports consistent land use planning and development across the University of Hawaii system and allows project partnerships with qualified persons.

MEANS: Add a new subpart to part I of chapter 304A, Hawaii Revised Statutes (HRS).

JUSTIFICATION: This bill provides a framework that supports consistent land use planning and development across the University of Hawaii system and allows project partnerships with qualified persons.

The University of Hawaii includes three university campuses and seven community college campuses located in four counties across the state of Hawaii. Each county has unique zoning ordinances, planning, and permitting processes. Furthermore, each county has its own set of approvals and decision making entities, including various and several departments, boards and commissions, and county councils.

In addition to the university's educational functions, campuses include a variety and mix of other uses that serve the university or college community and enhance the overall educational experience provided by a university or college. These jurisdictional variations lead to inconsistent regulatory processes across campuses, which makes it difficult to strategically consider the University of Hawaii system as a whole for the benefit of the people it serves.

The bill allows the president to propose that a campus be designated as a university district to the Board of Regents. The Board of Regents, which is subject to chapter 92, HRS, may designate the proposed campus a university district at a public meeting or meetings.

The boundaries shall include real property that is (1) not held by the university or in partnership with a qualified person, or (2) located within a conservation district.

After designation, the president shall develop a campus development plan for the designated district, which will be presented to the Board of Regents for their consideration and adoption. After the adoption of a campus development plan, the Board of Regents must establish campus development rules under chapter 91, HRS, related to the health, safety, building, planning, zoning, and land. At least one public hearing shall be held on the island where the proposed university district is located. Upon its effective date, 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.

Campus development rules do not supersede or replace state rules or laws.

The bill also allows the university to enter into partnerships with qualified persons on projects within the campus district.

Impact on the public: Public comments and participation regarding land uses on university campuses would be directed to the board of regents during (1) public meetings regarding the designation of boundaries and plan adoption, and (2) hearings on the campus development rules.

Impact on the department and other agencies:
This bill provides a framework that supports consistent land use planning and development across the University of Hawaii system and allows project partnerships with qualified persons. It allows the university to think and act more strategically across the system. It allows the university to be more responsive in meeting the needs of the communities it serves.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: UOH-100, UOH-110, UOH-220, UOH-700, UOH-800, UOH-900.

OTHER AFFECTED AGENCIES: County planning and public works departments; Office of State Planning.

EFFECTIVE DATE: July 1, 2021.