

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO UNIVERSITY DISTRICTS.

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

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

8           In addition to the university's educational functions,  
9 campuses also have a variety of other functions, including those  
10 functions that serve the university or college community and  
11 other functions that serve to enhance the campus's overall  
12 educational experience. These jurisdictional variations lead to  
13 inconsistent regulatory processes across campuses, which makes  
14 it difficult to strategically assess the benefits of the  
15 university of Hawaii system as a whole to the people the system  
16 serves.

17           The purpose of this Act is to:



1 (1) Provide a framework that supports consistent land use  
2 planning and development across the university of  
3 Hawaii system; and

4 (2) Authorize project partnerships with certain qualified  
5 persons.

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

9 " . UNIVERSITY DISTRICTS

10 **§304A- Definitions.** As used in this subpart:

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

17 "Conservation district" has the same meaning as provided in  
18 section 205-2.

19 "County" means any county of the State.

20 "Project" means a specific work or improvement that is  
21 acquired, owned, constructed, reconstructed, rehabilitated, or



1 improved by the university or in partnership with a qualified  
2 person. For purposes of this paragraph, "work or improvement"  
3 may include real and personal properties or any interest  
4 therein.

5 "Public agency" means any office, department, board,  
6 commission, bureau, division, public corporation, agency, or  
7 instrumentality of the federal, state, or county government.

8 "Qualified person" includes any individual, partnership,  
9 corporation, or public agency possessing:

- 10 (1) The competence, expertise, experience, and resources,  
11 including financial, personnel, and tangible  
12 resources, required for the purposes of a project; and  
13 (2) Any other qualifications that may be deemed desirable  
14 by the university in administering this subpart.

15 "Real property" means lands, structures, and interests in  
16 land, including lands under water and riparian rights, space  
17 rights, and air rights, and any and all other things and rights  
18 usually included within the term. Real property also means any  
19 and all interests in the property less than full title, such as  
20 easements, incorporeal hereditaments, and every estate,  
21 interest, or right, legal or equitable, including terms for



1 years and liens thereon by way of judgments, mortgages, or  
2 otherwise.

3           **§304A-           Designation of university districts; campus**

4 **development plans.** (a) The president may propose that a campus  
5 be designated as a university district to the board of regents.  
6 The designation shall describe the boundaries of the district.  
7 Upon receipt of a proposal, the board of regents may designate  
8 the proposed campus a university district.

9           (b) A university district shall not include real property  
10 that is:

11           (1) Not held by the university or in partnership with a  
12                 qualified person, or

13           (2) Located within a conservation district.

14           (c) After designation, the president shall develop a  
15 campus development plan for the designated district. The campus  
16 development plan shall include but not be limited to campus  
17 development guidance policies and a campus capital improvement  
18 program. The development plan shall support the purposes of  
19 this chapter. The president shall present the proposed campus  
20 development plan to the board of regents for their consideration  
21 and adoption.



1 (d) Whenever possible, planning activities of the  
2 university shall be coordinated with affected public agencies,  
3 and consideration shall be given to state and county plans  
4 adopted under chapter 226.

5 (e) Chapter 91 shall not apply to the designation of a  
6 university district or the adoption of a campus development plan  
7 pursuant to this section.

8 **§304A- Campus development rules.** (a) After adoption  
9 of a campus development plan, the board of regents shall  
10 establish campus development rules pursuant to chapter 91. The  
11 rules shall address health, safety, building, planning, zoning,  
12 and land use. Rules adopted under this section shall follow  
13 existing county rules, ordinances, and regulations as closely as  
14 is consistent with standards meeting minimum requirements of  
15 good design, pleasant amenities, health, safety, and coordinated  
16 development.

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

19 (c) Upon its effective date, campus development rules  
20 shall supersede all other inconsistent county ordinances and  
21 rules relating to the use, zoning, planning, and development of



1 land and construction thereon. Campus development rules shall  
2 not supersede or replace state rules or laws.

3 **§304A- Developments within special management areas and**

4 **shoreline setback.** (a) Notwithstanding chapter 205A, all  
5 requests for development within a special management area and  
6 shoreline setback variances for development on any lands within  
7 a university district, for which a campus development plan has  
8 been adopted, shall be submitted to and reviewed by the lead  
9 agency as defined in chapter 205A. In university districts for  
10 which a campus development plan has not been adopted, parts II  
11 and III of chapter 205A shall continue to be administered by the  
12 applicable county authority until a campus development plan for  
13 the university district takes effect.

14 (b) In the review of requests to the lead agency under  
15 subsection (a), the lead agency shall conform to the following,  
16 as deemed appropriate:

- 17 (1) Applicable county rules adopted in accordance with  
18 section 205A-26 for the review of developments within  
19 a special management area, except section  
20 205A-26(2)(C) shall not apply; and



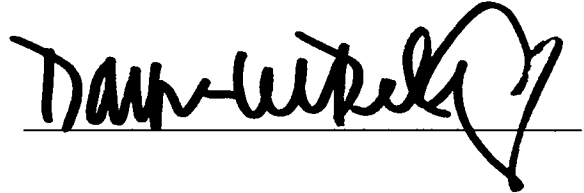
1           (2) Part III of chapter 205A and applicable county rules  
2                   for the review of developments within the shoreline  
3                   setback.

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

7           SECTION 3. This Act shall take effect on July 1, 2021.

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INTRODUCED BY:

  
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# S.B. NO. 519

**Report Title:**

UH; Planning; University Districts

**Description:**

Provides a framework that supports consistent land use planning and development across the university of Hawaii system.

Authorizes project partnerships with certain 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.*

