

JAN 26 2022

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. Each county has unique
4 zoning ordinances, planning, and permitting processes. Each
5 county also has its own set of approvals and decision-making
6 entities, including various departments, boards and commissions,
7 and county councils.

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

17 This Act recognizes that ongoing consultation and outreach

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1 with affected counties and communities is essential to good
2 planning and development. It also acknowledges that campus
3 development rules do not supersede or replace state laws or
4 rules; for example, chapters 205A and 343, Hawaii Revised
5 Statutes.

6 The purpose of this Act is to provide a framework that
7 supports consistent land use planning and development across the
8 University of Hawaii system that adds governmental efficiencies
9 while taking into account county rules in establishing campus
10 development plans and rules.

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

" . UNIVERSITY DISTRICTS

15 **§304A-A Definitions.** As used in this subpart:

16 "Campus" means contiguous parcels of real property that
17 includes university campuses at Manoa, Hilo, and West Oahu, and
18 each of the seven community colleges which includes: Hawaii
19 community college, Kapiolani community college, Honolulu
20 community college, Kauai community college, Leeward community
21 college, Maui college, and Windward community college.

22 Contiguous parcels include parcels separated by a public or
23 private highway or trail.

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

3 "County" means any county of the State.

4 "Project" means a specific work or improvement, including
5 real and personal properties, or any interest therein, acquired,
6 owned, constructed, reconstructed, rehabilitated, or improved by
7 the university on its own or in partnership with a qualified
8 person.

9 "Public agency" means any office, department, board,
10 commission, bureau, division, public corporation, agency, or
11 instrumentality of the federal, state, or county government.

12 "Qualified person" includes any individual, partnership,
13 corporation, or any public agency possessing the competence,
14 expertise, experience, and resources, including financial,
15 personnel, and tangible resources, required for the purposes of
16 a project and other qualifications as may be deemed desirable by
17 the university in administering this subpart.

18 "Real property" means lands, structures, and interests in
19 land, including lands under water and riparian rights, space
20 rights, and air rights, and any and all other things and rights
21 usually included within the term. Real property also means any
22 and all interests in the property less than full title, such as
23 easements, incorporeal hereditaments, and every estate,

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1 interest, or right, legal or equitable, including terms for
2 years and liens thereon by way of judgments, mortgages, or
3 otherwise.

4 **§304A-B Designation of university districts; campus**
5 **development plans.** (a) The president may propose to the board
6 of regents that it designate a campus as a university district.
7 The proposal shall describe the boundaries of the university
8 district. Upon receipt of a proposal, the board of regents may
9 designate the proposed campus as a university district.

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

12 (1) Not held by the university in full title or less than
13 full title;

14 (2) Not subject to a voluntary agreement in writing with a
15 qualified person holding real property; or

16 (3) Located within a conservation district.

17 (c) After designation as provided in subsection (a), the
18 president shall develop a campus development plan for the
19 designated university district. The campus development plan
20 shall include but not be limited to proposed projects, campus
21 development guidance policies, and a campus capital improvement
22 program. The development plan shall support the purposes of
23 this chapter. The president shall present the proposed campus

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1 development plan to the board of regents for its consideration
2 and adoption.

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

7 (e) Chapter 91 shall not be applicable to the designation
8 of a university district or the adoption of a campus development
9 plan.

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

19 (b) At least one public hearing shall be held, prior to
20 the adoption, amendment, or repeal of the rules, on the island
21 where the proposed university district is located.

22 (c) At least sixty days before the public hearing, or
23 sixty days before the first public hearing if more than one

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1 public hearing is held, the university shall provide the county
2 planning department that is located within the county where the
3 campus development rules will be applicable if adopted with a
4 draft of the campus development rules for its review and
5 comments. The planning department shall provide its comments to
6 the university in writing within thirty days of receiving the
7 draft campus development rules. The university shall consider
8 the planning department's comments before posting its public
9 draft of the campus development rules. A county planning
10 department's failure to provide comments under this section
11 shall not be a reason to delay or cancel a public hearing on the
12 draft campus development rules. A county planning department's
13 comments or lack of comments shall not be construed as taking a
14 position for or against the rules.

15 Upon its effective date, campus development rules shall
16 supersede all other county ordinances and rules relating to the
17 use, zoning, planning, and development of land and construction
18 that are inconsistent with this subpart and the campus
19 development rules, except any county ordinances or rules enacted
20 or adopted pursuant to chapter 205A. Campus development rules
21 shall not supersede, replace, or otherwise conflict with state
22 laws or rules."

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1 SECTION 3. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 4. This Act shall take effect upon approval.

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INTRODUCED BY: 

8

BY REQUEST

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Report Title:

University of Hawaii; University Districts; Campus Development

Description:

Provides a framework that supports consistent land use planning and development across the University of Hawaii system through designation of university districts that may include the voluntary addition of real property held by a qualified person adjacent to campuses for development consistent with university district plans and rules.

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: To provide a framework that supports consistent land use planning and development across the University of Hawaii system through designation of university districts that may include the voluntary addition of real property held by a qualified person adjacent to campuses for development consistent with university district plans and rules.

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 through designation of university districts that may include the voluntary addition of real property held by a qualified person adjacent to campuses for development consistent with university district plans and rules.

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 departments, boards and commissions, and county councils.

In addition to the university's educational functions, campuses include a variety of other uses that serve the university or

college community and enhance the overall educational experience provided by a university or college. These jurisdictional land use 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 to the Board of Regents that it designate a campus as a university district. 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.

A university district shall not include real property that is: (1) not held by the university in full title or less than full title; (2) not subject to a voluntary agreement in writing with a qualified person holding real property; or (3) 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 health, safety, building, planning, zoning, and land. At least one public hearing for adopting or amending the rules 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. County special management area rules adopted by counties to

implement chapter 205A will also continue to apply.

The bill also allows the university to enter into a voluntary agreement in writing with a qualified person holding real property for proposed projects within the campus district subject to campus development plans and rules.

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 the university to enter voluntary agreement in writing with a qualified person holding real property for proposed projects within the campus district subject to campus development plans and rules. 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. This bill also provides opportunities for the university to engage in land use development partnerships that shift development risks and costs to the private sector.

GENERAL FUND:

None.

OTHER FUNDS:

None.

PPBS PROGRAM

DESIGNATION:

UOH 100, UOH 110, UOH 115, UOH 220, UOH 700,
UOH 800, UOH 900.

OTHER AFFECTED

AGENCIES:

County planning and public works
departments; Office of Planning and
Sustainable Development.

EFFECTIVE DATE:

Upon approval.