
A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. The legislature finds that the Honokohau harbor
2 and marina in Kailua-Kona, county of Hawaii, while created over
3 forty years ago, has never been completed and does not currently
4 serve the needs of the west Hawaii community. Ocean
5 recreational facilities established to serve the boating
6 community are polluting the lands and waterways. This pollution
7 is impacting nearby cultural sites. Problems regarding
8 security, safety, and sanitation, voiced by tenants, citizens,
9 and visitors for over thirty years have not been resolved.
10 Existing facilities need improvements, which include ancillary
11 amenities such as a pedestrian promenade with commercial
12 enterprises, retail shops, and restaurants for marina and harbor
13 users to congregate and patronize. These changes would enhance
14 the economic benefit for harbor and marina businesses and
15 improve the quality of life for both local residents and
16 visitors.

17 The legislature also finds that the success of a harbor and
18 marina facility is contingent upon the use of the property for



1 complementary, supportive, marina-related services, facilities,
2 and activities as dictated by localized harbor governance. To
3 achieve this transfer of authority, the Honokohau harbor shall
4 be designated a community development district. The district
5 shall be composed of the approximately 117.987 acres known as
6 the Honokohau small boat harbor. Within this main parcel of
7 land, there are five parcels of land identified for lease
8 purposes that comprise 4.879 acres. With the exception of a
9 small existing area that allows for egress into the harbor, the
10 district does not encompass the shoreline area.

11 The purpose of this Act is to establish the Honokohau
12 marina community development district under the Hawaii community
13 development authority.

14 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is
15 amended by adding a new part to be appropriately designated and
16 to read as follows:

17 **"PART . HONOKOHAU MARINA DEVELOPMENT DISTRICT**

18 **§206E-A Definitions.** As used in this part "district"
19 means the Honokohau marina development district.

20 **§206E-B District established; boundaries.** (a) The
21 Honokohau marina community development district is hereby
22 established. The district shall include the land area of tax



1 map key 3-7-4-008:003, which is state land; tax map keys 3-7-4-
2 008:040, :042, :046, :050, and :075, which are owned by the
3 State, but leased to various entities. Tax map keys 3-7-4-
4 008:040, :042, :046, :050, and :075 are contained within the
5 boundaries of tax map key 3-7-4-008:003. The boundaries of the
6 district are described as follows: the southern boundary
7 beginning at the northwest property line of tax map key number
8 3-7-4-008:071, which is not part of the district, and running
9 southeast to the Kealakehe Parkway and continuing northwest,
10 bordering the unpaved and paved Kealakehe parkway to the Queen
11 Kaahumanu highway. The northern boundary beginning at the
12 southern property line of tax map key number 3-7-4-008:041,
13 which is not part of the district, and the southern property
14 line of tax map key 3-7-4-008:025, which is not part of the
15 district, on a line that extends to the Queen Kaahumanu highway.

16 (b) The authority shall serve to facilitate appropriate
17 management of the district. Management shall be in accordance
18 with the general plan for the county of Hawaii, the Kona
19 community development plan, watershed plans, and existing law.
20 In addition to any of its other duties under this chapter, the
21 authority shall:

22 (1) Consult with the following persons and entities:



- 1 (A) Kaloko-Honokohau National Historic Park;
- 2 (B) Kona Community Development Plan Action Committee;
- 3 (C) Hawaii Fishing and Boating Association;
- 4 (D) The mayor and council of the county of Hawaii;
- 5 (E) Department of Hawaiian home lands;
- 6 (F) Harbor and marina tenants;
- 7 (G) Local civic and community associations; and
- 8 (H) Local cultural practitioners;
- 9 (2) Assist land users to manage their properties and
- 10 activities in a manner that is supportive of the
- 11 adjacent Kaloko-Honokohau National Historical Park
- 12 areas with a focus on cultural practices and the
- 13 elimination of pollution;
- 14 (3) Work with federal, state, county, and other agencies
- 15 to ensure that infrastructural support is provided for
- 16 the district;
- 17 (4) Develop the infrastructure necessary to support the
- 18 implementation of the Kona community development plan
- 19 in the district; and
- 20 (5) Provide, to the extent feasible, maximum opportunity
- 21 for the restoration and implementation of sustainable,



1 culturally appropriate, biologically responsible, and
2 economically beneficial enterprise.

3 **§206E-C Authority; additional members for the Honokohau**
4 **marina development district.** For the purposes of implementing
5 this part, three additional voting members shall be appointed to
6 the authority by the governor pursuant to section 26-34 to
7 represent the district. The three members shall be considered
8 in determining quorum and majority only on issues relating to
9 the district and may vote only on issues related to the
10 district. The three members shall be representatives from the
11 categories of marine users as follows:

- 12 (1) Marina business owners and operators;
- 13 (2) Harbor boat tenants; and
- 14 (3) The Kaloko-Honokohau National Historical Park.

15 **§206E-D Development guidance policies.** The following
16 shall be the development guidance policies generally governing
17 the authority's action in the district:

- 18 (1) Development shall be in accordance with the Kona
19 community development plan and the county of Hawaii
20 general plan, except as it conflicts with the state
21 constitution, state and county law, and all applicable
22 federal laws;



- 1 (2) With the approval of the governor, and in accordance
2 with law, the authority, upon concurrence of a
3 majority of its voting members, may modify and make
4 changes to the Honokohau marina development district
5 master plan to respond to changing conditions;
6 provided that prior to amending the Honokohau marina
7 development district master plan, the authority shall
8 conduct at least two public meetings pursuant to
9 chapter 92 to inform the public of the proposed
10 changes, to receive public input, and to incorporate
11 public input into the master plan;
- 12 (3) The authority shall provide, to the extent feasible,
13 maximum opportunity for the restoration and
14 implementation of sustainable, culturally appropriate,
15 and biologically responsible ocean recreation;
- 16 (4) The authority may engage in planning, design, and
17 construction activities within and outside the
18 district; provided that activities outside the
19 district shall relate to infrastructural development
20 within the district, area-wide drainage improvements,
21 sediment transport mitigation, sewer line extensions
22 to replace septic tanks and to service all area



1 businesses, roadway realignments and improvements, and
2 other activities the authority deems necessary to
3 carry out the development or redevelopment of the
4 district. Studies or coordinating activities may be
5 undertaken by the authority in conjunction with the
6 appropriate federal, state, and county agencies to
7 address infrastructure systems, natural resource
8 systems, and other activities;

9 (5) Planning, re-planning, rehabilitation, development,
10 redevelopment, and other preparations for the
11 restoration of natural resources, cultural practices,
12 and educational activities may be pursued;

13 (6) Hawaiian archaeological, historic, and cultural sites
14 shall be preserved and protected to the extent
15 feasible while allowing for continued use of the
16 property for cultural activities, education, economic
17 pursuits, and natural resource restoration;

18 (7) Endangered species of flora and fauna, in the water
19 and on the land, shall be preserved and protected to
20 the extent feasible and acceptable by federal and
21 state law;



1 (8) All activities shall be undertaken in compliance with
2 federal and state water quality standards in the
3 harbor and the surrounding areas to protect the reefs
4 and fishing;

5 (9) Land use and redevelopment activities within the
6 district shall be coordinated with and complement, to
7 the extent possible, existing state and county
8 policies, plans, and programs affecting the district;
9 and

10 (10) Public facilities within the district shall be
11 planned, located, and developed to support the
12 redevelopment policies established by this part for
13 the district, the master plan approved by the
14 governor, and rules adopted pursuant to this chapter.

15 **§206E-E Operational responsibility.** Subject to approval
16 by the board, the authority may be exempt from the procurement
17 code requirements under chapter 103D for the first Honokohau
18 marina management contract for a period not to exceed three
19 years.

20 **§206E-F Rules; adoption.** The authority shall adopt rules
21 in accordance with chapter 91 to carry out the purposes of this
22 part."



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 its approval;
6 provided that section 206E-E, Hawaii Revised Statutes, in
7 section 2 of this Act shall take effect on July 1, 2014.

8

INTRODUCED BY: *Denny Coffman*

JAN 24 2013



H.B. NO. 1255

Report Title:

Land Use; Honokohau Marina Community Development District

Description:

Establishes the Honokohau Marina Community Development District on the island of Hawaii under the Hawaii Community Development Authority.

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

