

---

---

# 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 Heeia district  
2 is located in Kaneohe, Koolaupoko, Oahu, in close proximity to  
3 the Heeia fishpond and is commonly known as the "Heeia  
4 wetlands." The Heeia wetlands, consisting of approximately four  
5 hundred five acres, were acquired by the Hawaii community  
6 development authority on July 2, 1991, by assuming the buyer's  
7 position in an existing purchase agreement and folding it into  
8 an exchange agreement with Kamehameha Schools. This transaction  
9 provided Kamehameha Schools with what is now the makai gateway  
10 park and the parcel of land commonly known as the "Honolulu Ford  
11 parcel" in addition to \$11,667,917 in public facility credits in  
12 exchange for the Heeia wetlands.

13           Approximately eighty acres adjacent to the Heeia wetlands  
14 were added into the acquisition and subsequently reconveyed to  
15 Kamehameha Schools in 1994, in accordance with the terms of the  
16 original exchange agreement, when the housing finance and  
17 development corporation declined to use it for the development  
18 of affordable housing. This eighty-acre parcel is included in



1 the new Heeia community development district. Kakoo Oiwi, a  
2 Hawaii nonprofit corporation, approached the Hawaii community  
3 development authority to request a long-term lease to restore  
4 the wetlands, eliminate invasive species, and establish an  
5 agricultural and educational center that will contribute to the  
6 community at large. A thirty-eight year lease was granted to  
7 Kakoo Oiwi in March 2010 for these purposes.

8 SECTION 2. Chapter 206E, Hawaii Revised Statutes, is  
9 amended by adding a new part to be appropriately designated to  
10 read as follows:

11 "PART . HEEIA COMMUNITY DEVELOPMENT DISTRICT

12 §206E- Definitions. As used in this part:

13 "District" means the Heeia community development district.

14 "Fund" means the Heeia community development revolving  
15 fund.

16 §206E- District established; boundaries. (a) The Heeia  
17 community development district is hereby established. The  
18 district shall include that area within the boundaries described  
19 as follows: the southern boundary begins at the residential  
20 portion of lands owned by the Kamehameha Schools and runs west  
21 to Kahekili highway and east to Kamehameha highway. The  
22 northern boundary borders the McCabe property where it once



1 again runs west to Kahekili highway and east to Kamehameha  
2 highway. The tax map key numbers are 4-6-16:001 and 4-6-16:002  
3 (owned by the authority), 4-6-16:036 (owned by Kamehameha  
4 Schools), and 4-6-16:004, 011, 012, and 017 (owned by various  
5 owners of *kuleana* parcels).

6 (b) The authority shall serve as the local redevelopment  
7 authority of the district to facilitate culturally appropriate  
8 agriculture, education, and natural-resource restoration and  
9 management of the Heeia wetlands, in alignment with the board of  
10 water supply's most current "Koolau Poko Watershed Management  
11 Plan" and the city and county of Honolulu's most current  
12 "Koolaupoko Sustainable Communities Plan." In addition to any  
13 other of its duties under this chapter, the authority shall:

14 (1) Coordinate with landowners in the district and  
15 immediately surrounding area and other entities to  
16 implement activities related to and supportive of  
17 cultural practices, agriculture, education, and  
18 natural-resource restoration and management;

19 (2) Assist land users to manage their properties and  
20 implement activities related to and supportive of  
21 cultural practices, agriculture, education, and  
22 natural-resource restoration and management;



1 (3) Work with federal, state, county, and other agencies  
2 to ensure that infrastructural support is provided for  
3 the district;

4 (4) Develop the infrastructure necessary to support the  
5 implementation of the Heeia wetlands community  
6 development district master plan; and

7 (5) Provide, to the extent feasible, maximum opportunity  
8 for the restoration and implementation of sustainable,  
9 culturally appropriate, biologically responsible, or  
10 agriculturally beneficial enterprises.

11 (c) Two additional voting members shall, except as  
12 otherwise provided in this subsection, be appointed to the  
13 authority by the governor pursuant to section 26-34 to represent  
14 the district. These two members shall be considered in  
15 determining quorum and majority only on issues relating to the  
16 district and may vote only on issues related to the district.  
17 The two members shall be residents of Heeia or the immediately  
18 surrounding area.

19 §206E- Heeia community development district; policies to  
20 guide development. The following general policies to guide  
21 development shall govern the authority's actions in the  
22 district:



- 1           (1) Development shall be in accordance with the Heeia  
2           master plan, except as it conflicts with the Hawaii  
3           State Constitution and the Hawaii Revised Statutes;
- 4           (2) With the approval of the governor, and in accordance  
5           with law, the authority, upon the concurrence of a  
6           majority of its voting members, may modify and make  
7           changes to the Heeia master plan to respond to  
8           changing conditions; provided that prior to amending  
9           the Heeia master plan, the authority shall conduct a  
10          public meeting pursuant to chapter 92 to inform the  
11          public of the proposed changes and receive public  
12          input;
- 13          (3) The authority shall provide, to the extent feasible,  
14          maximum opportunity for the restoration and  
15          implementation of sustainable, culturally appropriate,  
16          biologically responsible, or agriculturally beneficial  
17          enterprises;
- 18          (4) The authority may engage in planning, design, and  
19          construction activities within and outside the  
20          district; provided that activities outside the  
21          district shall relate to infrastructural development,  
22          area-wide drainage improvements and sediment transport



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

9 (5) Planning, replanning, rehabilitation, development,  
10 redevelopment, and other preparations for the  
11 restoration of cultural practices, education, natural  
12 resources, and agriculture related activities shall be  
13 pursued;

14 (6) Hawaiian archaeological, historic, and cultural sites  
15 shall be preserved and protected to the extent  
16 feasible while allowing for continued use of the  
17 property for cultural activities, education,  
18 agricultural and economic pursuits, and natural-  
19 resource restoration. Endangered species of flora and  
20 fauna shall be preserved and protected to the extent  
21 feasible;



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

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

11 §206E- Heeia community development revolving fund. (a)  
12 There is established in the state treasury the Heeia community  
13 development revolving fund, into which shall be deposited:

14 (1) All revenues, income, and receipts of the authority  
15 for the district, notwithstanding any other law to the  
16 contrary, including section 206E-16;

17 (2) Moneys directed, allocated, or disbursed to the  
18 district from government agencies or private  
19 individuals or organizations, including grants, gifts,  
20 awards, donations, and assessments of landowners for  
21 costs to administer and operate the district; and

22 (3) Moneys appropriated to the fund by the legislature.



1 (b) Moneys in the fund shall be used only for the purposes  
2 of this part.

3 (c) Investment earnings credited to the assets of the fund  
4 shall become part of the fund.

5 §206E- Assessment for operating costs. (a) The  
6 authority shall have the power to assess all land users for  
7 their fair share of the costs required to administer and operate  
8 the district, which may include costs associated with staffing.  
9 Assessments shall be based on each land user's proportionate  
10 share of the total acreage of the district.

11 (b) The assessment shall be set by the authority annually,  
12 based upon the operating budget for the district and adjusted  
13 for any actual expenditures made in the prior year in excess of  
14 the prior approved budget. The assessments shall be paid to the  
15 authority in semiannual payments commencing thirty days after  
16 the beginning of the fiscal year.

17 (c) The authority may charge interest or other fees on  
18 assessment amounts not paid on a timely basis and may withhold  
19 services or approval of governmental permits for land users  
20 delinquent in payments.

21 (d) As used in this section, "land user" includes the  
22 owner of a particular parcel of land within the district;



1 provided that the landowner may assign the responsibility for  
2 payment of assessments to the lessee or licensee of the land.

3 §206E- Rules; adoption. The authority shall adopt rules  
4 in accordance with chapter 91 to carry out the purposes of this  
5 part."

6 SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Heeia Community Development District

**Description:**

Establishes the Heeia Community Development District in Koolaupoko, Oahu. (HB389 HD1)

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

