

United States National Park Service Petition to Designate the Keauhou Aquifer System (KAS) as a Groundwater Management Area:

Discussion on Authorized Planned Use Pursuant to HRS Section 174C-44, Ground Water Criteria for Designation

Commission on Water Resource Management: October 9, 2014



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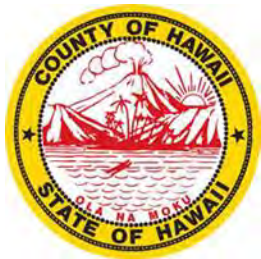
HRS § 174C-44 Ground Water Criteria for Designation:

1) Whether an increase in water use or authorized planned use may cause the maximum rate of withdrawal from the ground water source to each ninety per cent of the sustainable yield of the proposed ground water management area

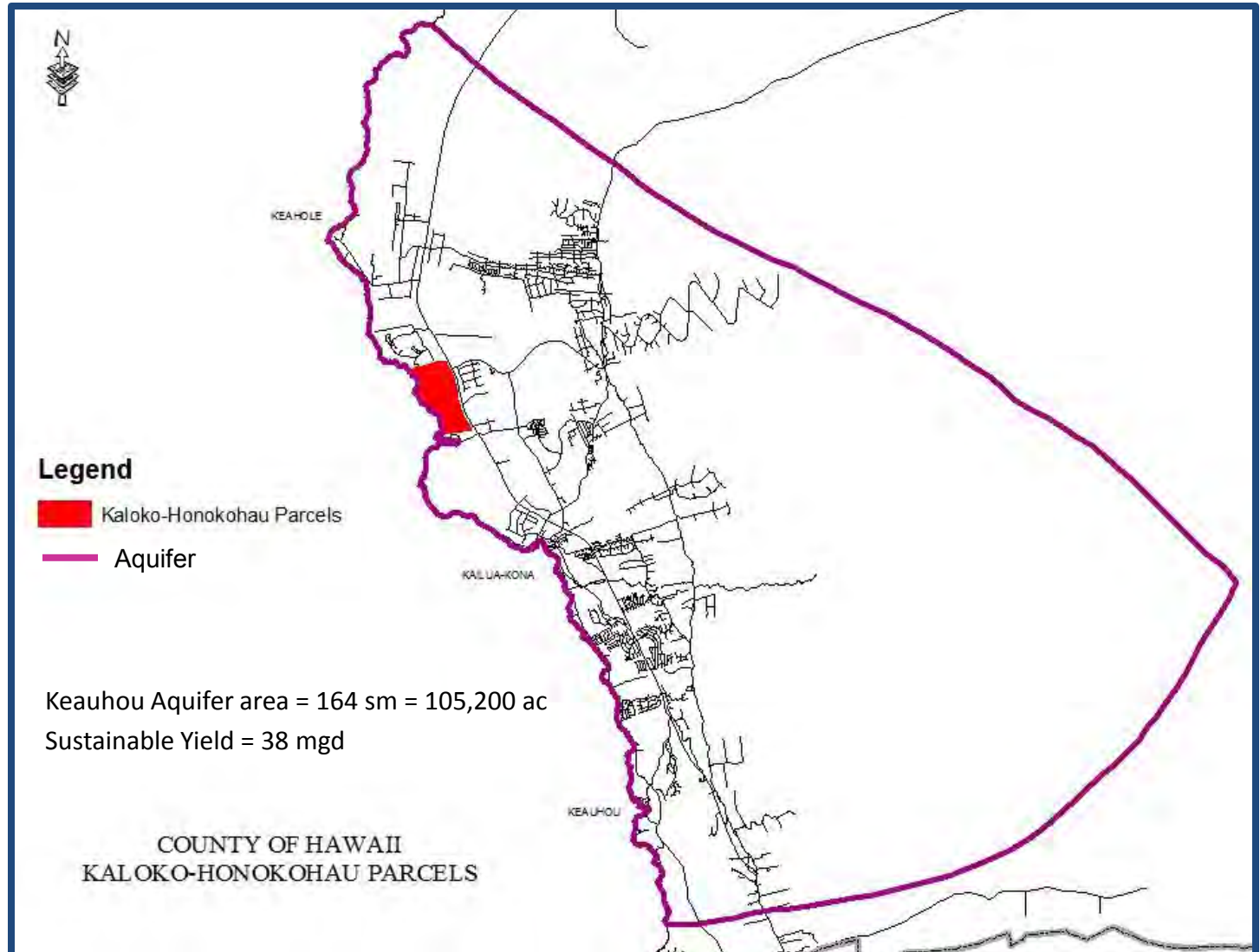


HRS § 174C- 3 Definitions, defines " authorized planned use:"

“Authorized planned use” means the use or projected use of water by a development that has received the proper state land use designation and county development plan/community plan approvals.



Keauhou Aquifer & Kaloko-Honokohou National Historical Park



Hawai'i County Charter

Section 3-15: General Plan

The county council shall adopt by ordinance a general plan which **shall set forth the council's policy for long-range comprehensive physical development of the county.** It shall contain a statement of development objectives, standards and principles with respect to the most desirable use of land within the county for residential, recreational, agricultural, commercial, industrial and **other purposes which shall be consistent with proper conservation of natural resources and the preservation of our natural beauty and historical sites;** the most desirable density of population in the several parts of the county; a system of principal thoroughfares, highways, streets, public access to the shorelines, and other open spaces; the general locations, relocations and improvement of public buildings, the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, sewers, light, power, transit, and other purposes; the extent and location of public housing projects; adequate drainage facilities and control; air pollution; and such other matter as may, in the council's judgment, **be beneficial to the social, economic, and governmental conditions and trends and shall be designed to assure the coordinated development of the county and to promote the general welfare and prosperity of its people.**

- (a) The council shall enact zoning, subdivision, and such other ordinances which shall contain the necessary provisions to carry out the purpose of the general plan.
- (b) No public improvement or project, or subdivision or zoning ordinance, shall be initiated or adopted unless the same conforms to and implements the general plan.
- (c) Amendments to the general plan may be initiated by the council or the planning director.



General Plan

Section 14.1.1: Proposed Land Use Patterns

There are no universal standards for determining the amount of land needed in the future for each land use or activity located within an area. Estimates can be made, however, of the future land use acreage allocation for each use. **The land use pattern is a broad, flexible design intended to guide the direction and quality of future developments in a coordinated and rational manner.** The General Plan Land Use Pattern Allocation Guide (LUPAG) Map indicates the general location of various land uses in relation to each other.



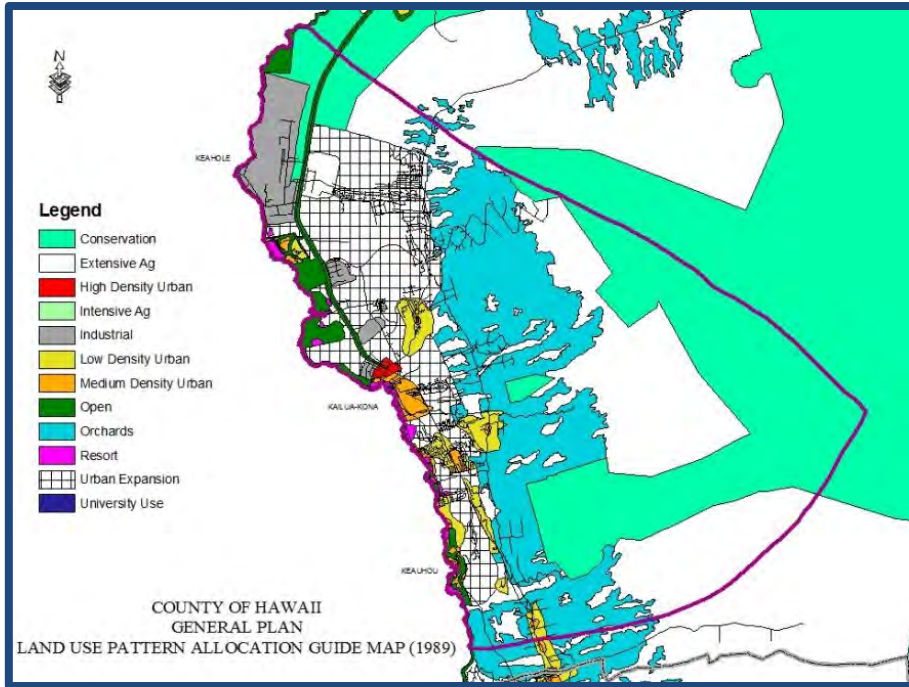
General Plan

Section 14.1.1: Proposed Land Use Patterns

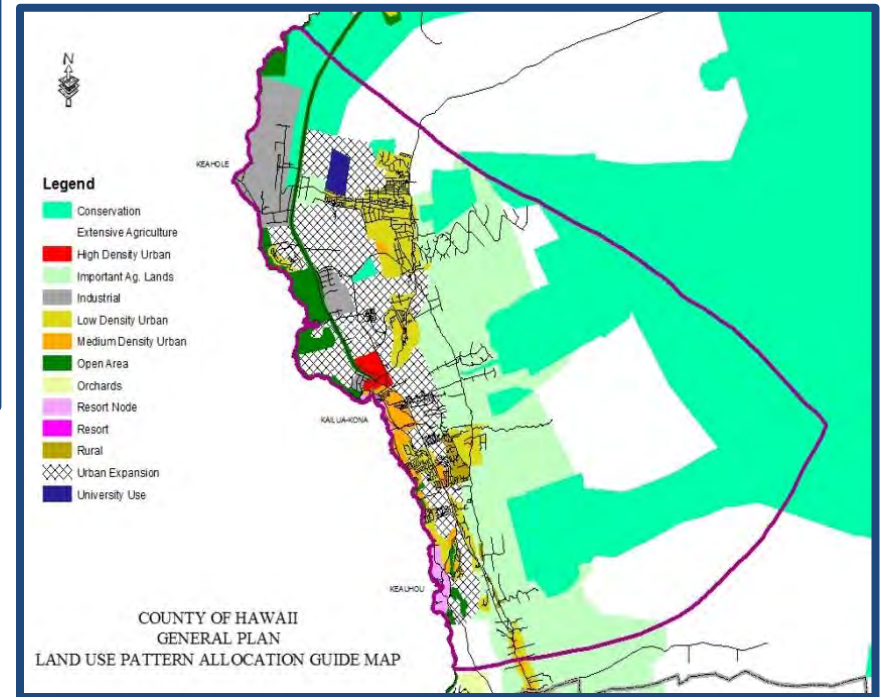
The methodology used to develop the land use pattern reflects estimates of future population based on economic and employment evaluations, existing land uses and zoned areas, determination of community facility needs, and transportation demands for the entire island. **The topography and other physical features of each area were also analyzed**, and other factors, particularly economic, social, and physical characteristics, were noted.



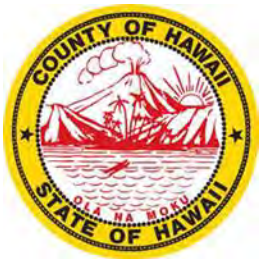
General Plan LUPAG



1989



2014



Kona CDP: Ordinance 08-131

COUNTY OF HAWAII



STATE OF HAWAII

BILL NO. 333
(Draft 2)

ORDINANCE NO. 08 131

AN ORDINANCE ADOPTING THE COUNTY OF HAWAII KONA
COMMUNITY DEVELOPMENT PLAN.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the Kona Community Development Plan (attached hereto as Appendix A, as amended to Draft 2) pursuant to the County of Hawaii General Plan, Section 15.1 (February 2005 as amended).

SECTION 2. Adoption. Chapter 16, section 16-2, Hawaii County Code 1983 (2005 Edition, as amended), is amended to read as follows:

"Section 16-2. Adoption of community development plans. The community development plans listed below are adopted and incorporated by reference. A copy of the plans and amendments shall be available for public inspection at the planning department.

KONA. The document identified as "Mapping the Future: Kona Community Development Plan Volume 1" is adopted by reference subject to later amendments by ordinance, and may be cited as the "Kona CDP." The planning area for the Kona CDP encompasses the judicial districts of North and South Kona.

SECTION 3. Severance. In the event that any portion of this ordinance is declared invalid, such invalidity shall not affect the other parts of this ordinance.

SECTION 4. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed and stricken material, and underscoring need not be included.

SECTION 5. Effective Date. This ordinance shall take effect upon its approval.

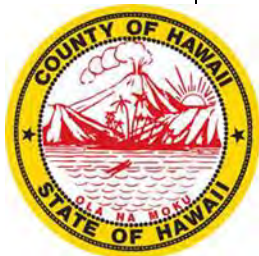
INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAII

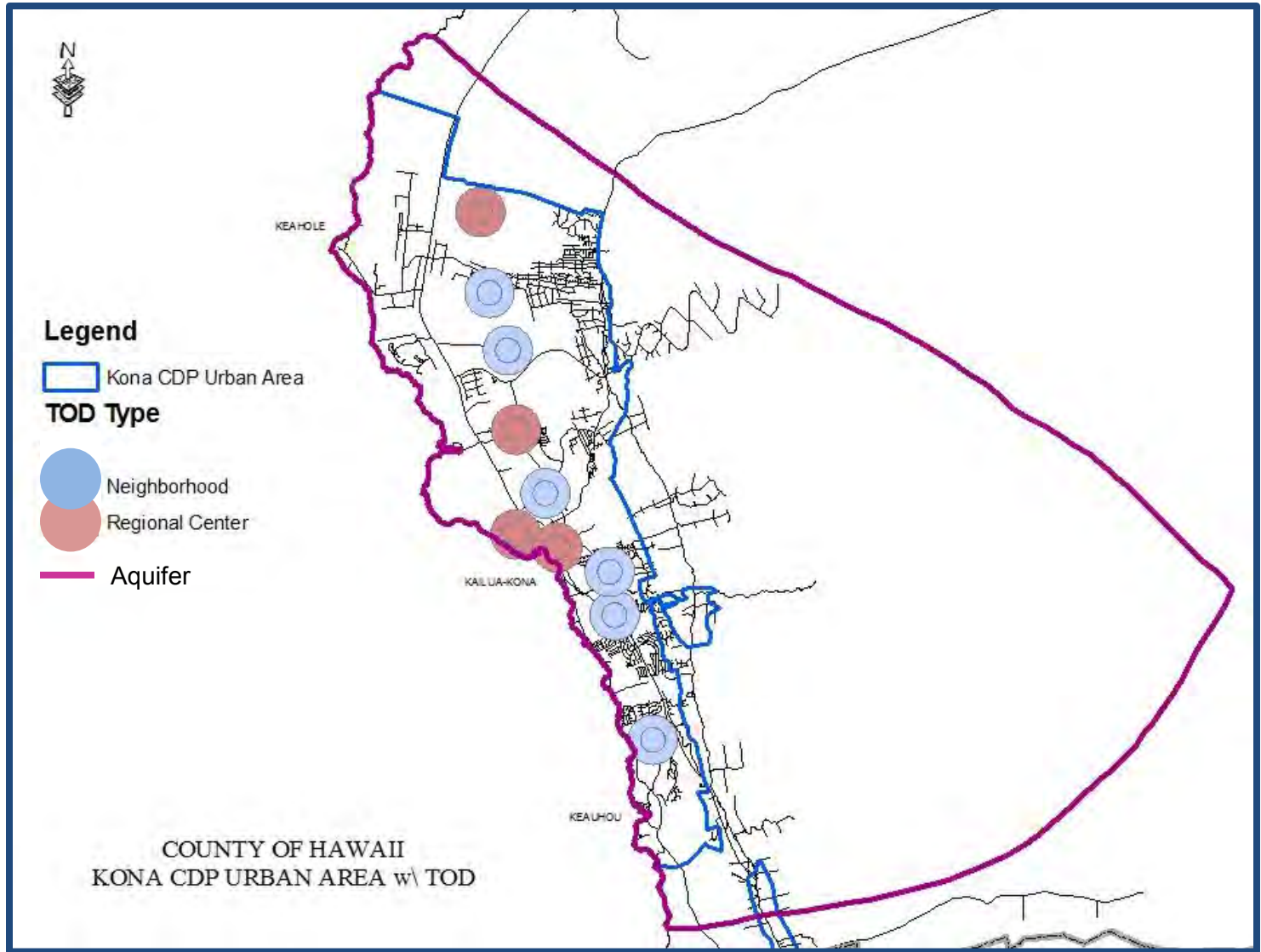
Kona, Hawaii

Date of Introduction: August 27, 2008
Date of 1st Reading: August 27, 2008
Date of 2nd Reading: September 10, 2008
Effective Date: September 25, 2008

REFERENCE: Comm. 1349.16/P-Council



Kona CDP Urban Area

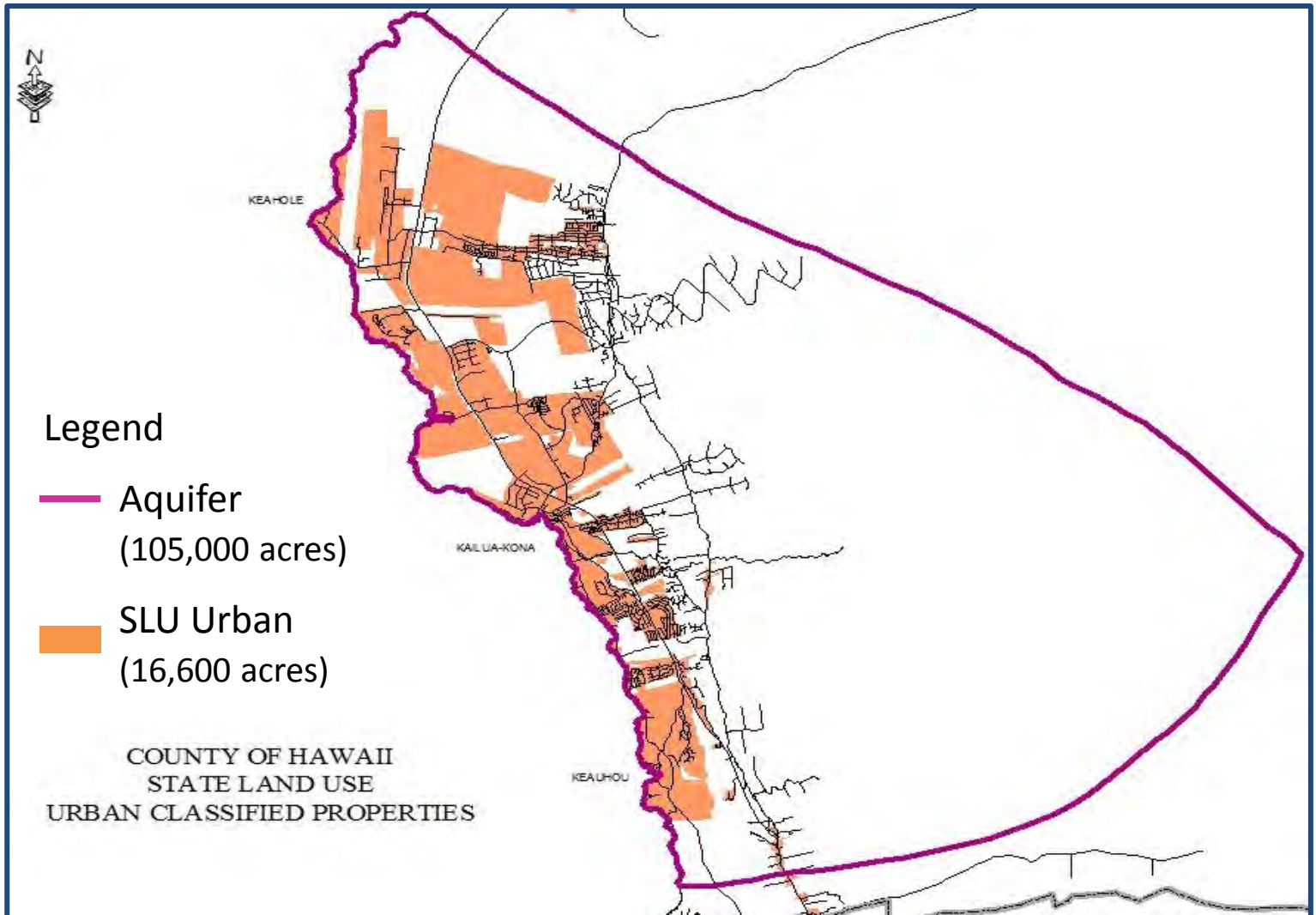


HRS §205-17 LUC Decision Making Criteria

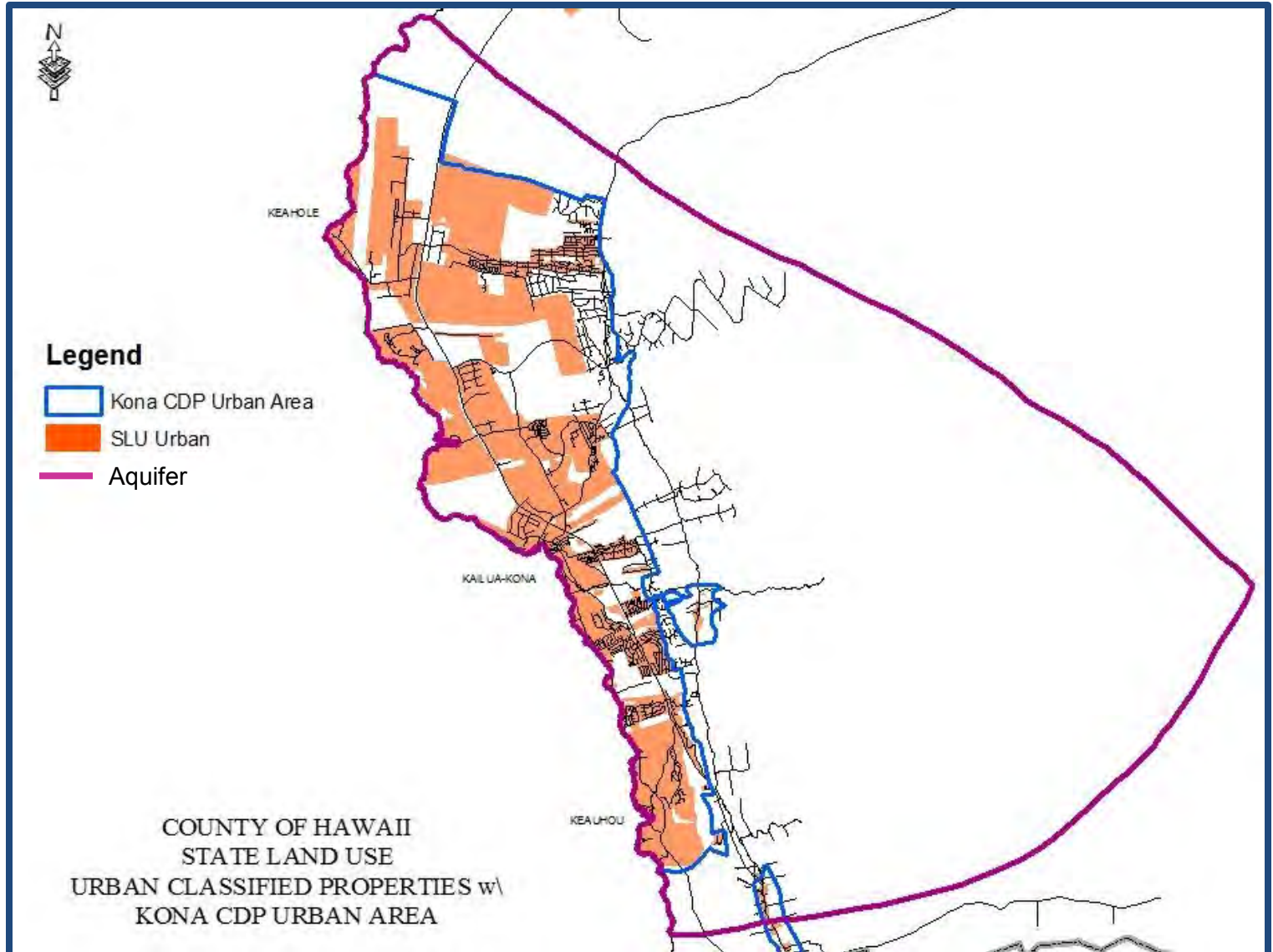
§205-17 Land use commission decision-making criteria. In its review of any petition for reclassification of district boundaries pursuant to this chapter, the commission shall specifically consider the following:

- (1) The extent to which the proposed reclassification conforms to the applicable goals, objectives, and policies of the Hawaii state plan and relates to the applicable priority guidelines of the Hawaii state plan and the adopted functional plans;
- (2) The extent to which the proposed reclassification conforms to the applicable district standards;
- (3) The impact of the proposed reclassification on the following areas of state concern:
 - (A) **Preservation or maintenance of important natural systems or habitats;**
 - (B) **Maintenance of valued cultural, historical, or natural resources;**
 - (C) **Maintenance of other natural resources relevant to Hawaii's economy,** including agricultural resources;
 - (D) Commitment of state funds and resources;
 - (E) Provision for employment opportunities and economic development; and
 - (F) Provision for housing opportunities for all income groups, particularly the low, low-moderate, and gap groups;
- (4) The standards and criteria for the reclassification or rezoning of important agricultural lands in section 205-50;
- (5) **The county general plan and all community, development, or community development plans adopted pursuant to the county general plan, as they relate to the land that is the subject of the reclassification petition;** and
- (6) The representations and commitments made by the petitioner in securing a boundary change.

State Land Use Urban

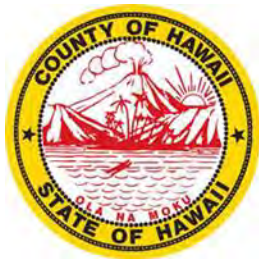


SLU Urban & Kona CDP Urban Area



Proposed Projects (APU)

Applicant	TMK	SLU	Zoning	Area (acres)	Units	Status	Water	APU
Palamanui	7-2-005:001	U	PD, MCX-20	725.204	845	Tentative subdivision approval	DWS Development Agreement	APU
William & Dixie Minson	7-3-051:065	U	MCX-1a	1.3698	2	Plan Approval for self storage business	DWS Commitment	APU
Kohanaiki (Waiaha S.)	7-3-009:003	U	RM-3, V-1.25, RS-10, CV-10, Open	440.461	1,850	Final subdivision approval	DWS Development Agreement	APU
Seascape	7-3-010:003	U	RM-1	10.001	built out	Plan approval	DWS Development Agreement	APU
Hiram Rivera	7-4-006:022	Ag	FA-2a	5.3	3	No yet subdivided	DWS Commitment	APU
Lanihau Properties	7-4-008:013, 76-79	U	MG-1a, MXC 20	282.367	TBD	Rezone	DWS Development Agreement	APU
QLT	7-4-020:010	U	CG-10	216.12	TBD	Master planning phase	DWS Development Agreement	APU
Laiopua Village 4	7-4-021:010, 012,	U	RS-7.5	116.185	259	Tentative subdivision approval	DWS Development Agreement	APU
Forest City	7-4-021:020, 024, 025, 026, 027	U	A-5a	272	2,330	Final subdivision approval, Phase 1	DWS Development Agreement	APU
subtotal				2,069.01	5,289			
SCD Kona 108	7-5-003:007, 008, 009	U	RM-3.5, RA-1a	108.176	73	Rezone with time extension - needs subdivision/plan approval	DWS Commitment	APU
Komo Brothers/ Lahaina Petroleum	7-5-003:024	U, Ag	A-5a, CN-20	7.794	72	Rezone - needs subdivision/plan approval	DWS Commitment	APU
Hu-Ko-Pa LLC	7-5-017:042	U	RS-10	14.437	53	PUD 10-000018 was granted on 4/29/2011 for 53 SFD master planned community	DWS Commitment	APU
Millicent Towata Grand	7-6-004:018	U	RS-20	1.09	2	SUB 12-001212	DWS Commitment	APU
Kona Vista LLC	7-6-021:004, 009-013, 015, 017	U	RM-5	172.13	256	Rezone - needs subdivision/plan approval	DWS Commitment	APU
Charles G. Bockus	7-7-007:047	Ag	FA-2a	5.275	2	Applicants are workign with DWS to provide 2 units of water	DWS Commitment	APU
Parcel 26 at Kahaluu/ Towne Development	7-8-010:004	U	RM-3.5, V-1.25	42.551	338	Draft EA	DWS Commitment	APU
Kona Country Club, Inc.	7-8-010:101	U	RM-30	51.1	60	Plan Approval for 29 Units	DWS Commitment	APU
				2,471.56	6,145			



Other Proposed Projects (no APU)

Applicant	TMK	SLU	Zoning	Area (acres)	Units	Status	Water	APU
Kula Nei/ Shopoff Group	7-3-007:038	U	A-5a	129.99	270	LUC - needs change of zone	No agreement with DWS	--
Kaloko Makai	7-3-009:017, 025, 026, 028 063	Ag	Open, A-5a	1139	5,000	Draft EIS	DWS Development Agreement	--
Kaloko Heights	7-3-009:019	U	A-5a	408.719	1,494	LUC - needs change of zone	DWS Commitment	--
Kona Kai Ola/ Jacoby/ DHHL	7-4-008:071-72, 7-4-008:003	U	PD, Open	530	700 hotel 1803 time share	Final EIS - needs change of zone	No agreement with DWS	--
				2207.709	9,310			

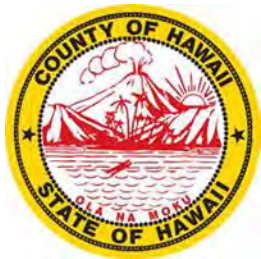


Conclusions

- Land use and water availability go hand in hand; development entitlements cannot be implemented unless water is or can be made available.
- State and County public trust requirements are addressed early in the land use entitlement process during the “*authorized planned use*” component of the process.
- Isolated water conflicts should not be the overriding basis for designation.



Mahalo



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