

JAN 20 2023

A BILL FOR AN ACT

RELATING TO RURAL DISTRICTS.

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

1 SECTION 1. The legislature finds that, given the need for
2 additional local housing, permitting the counties to adopt an
3 ordinance to allow dwellings on each quarter-acre, rather half-
4 acre, of rural lands will provide counties the required
5 flexibility to address this important issue.

6 Accordingly, the purpose of this Act is to allow the
7 counties to determine the appropriateness of allowing dwellings
8 on each quarter-acre, rather than half-acre, of rural lands.

9 SECTION 2. Section 205-2, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending subsection (a) to read:

12 "(a) There shall be four major land use districts in which
13 all lands in the State shall be placed: urban, rural,
14 agricultural, and conservation. The land use commission shall
15 group contiguous land areas suitable for inclusion in one of
16 these four major districts. The commission shall set standards
17 for determining the boundaries of each district, provided that:



- 1 (1) In the establishment of boundaries of urban districts
2 those lands that are now in urban use and a sufficient
3 reserve area for foreseeable urban growth shall be
4 included;
- 5 (2) In the establishment of boundaries for rural
6 districts, areas of land composed primarily of small
7 farms mixed with very low density residential lots,
8 which may be shown by a minimum density of not more
9 than one house per [~~one-half~~] one-quarter acre and a
10 minimum lot size of not less than one-half acre shall
11 be included, except as herein provided;
- 12 (3) In the establishment of the boundaries of agricultural
13 districts the greatest possible protection shall be
14 given to those lands with a high capacity for
15 intensive cultivation; and
- 16 (4) In the establishment of the boundaries of conservation
17 districts, the "forest and water reserve zones"
18 provided in Act 234, section 2, Session Laws of Hawaii
19 1957, are renamed "conservation districts" and,
20 effective as of July 11, 1961, the boundaries of the
21 forest and water reserve zones theretofore established



1 pursuant to Act 234, section 2, Session Laws of Hawaii
2 1957, shall constitute the boundaries of the
3 conservation districts; provided that thereafter the
4 power to determine the boundaries of the conservation
5 districts shall be in the commission.

6 In establishing the boundaries of the districts in each county,
7 the commission shall give consideration to the master plan or
8 general plan of the county."

9 2. By amending subsection (c) to read:

10 "(c) Rural districts shall include activities or uses as
11 characterized by low density residential lots of not more than
12 one dwelling house per [~~one-half~~] one-quarter acre, except as
13 provided by county ordinance pursuant to section 46-4(c), in
14 areas where "city-like" concentration of people, structures,
15 streets, and urban level of services are absent, and where small
16 farms are intermixed with low density residential lots except
17 that within a subdivision, as defined in section 484-1, the
18 commission for good cause may allow one lot of less than one-
19 half acre, but not less than [~~eighteen thousand five hundred~~
20 ~~square feet,~~] one-quarter acre, or an equivalent residential
21 density, within a rural subdivision and permit the construction



1 of one dwelling on such lot; provided that all other dwellings
2 in the subdivision shall have a minimum lot size of one-half
3 acre or 21,780 square feet. Such petition for variance may be
4 processed under the special permit procedure. These districts
5 may include contiguous areas [~~which~~] that are not suited to low
6 density residential lots or small farms by reason of topography,
7 soils, and other related characteristics. Rural districts shall
8 also include golf courses, golf driving ranges, and golf-related
9 facilities.

10 In addition to the uses listed in this subsection, rural
11 districts shall include geothermal resources exploration and
12 geothermal resources development, as defined under section
13 182-1, and construction and operation of wireless communication
14 antenna, as defined under section 205-4.5(a)(18), as permissible
15 uses."

16 SECTION 3. Section 205-5, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 "(c) Unless authorized by special permit issued pursuant
19 to this chapter, only the following uses shall be permitted
20 within rural districts:

21 (1) Low density residential uses;



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- 1 (2) Agricultural uses;
- 2 (3) Golf courses, golf driving ranges, and golf-related
- 3 facilities;
- 4 (4) Public, quasi-public, and public utility facilities;
- 5 and
- 6 (5) Geothermal resources exploration and geothermal
- 7 resources development, as defined under section 182-1.

8 In addition, the minimum lot size for any low density
9 residential use shall be one-half acre and there shall be but
10 one dwelling house per [~~one-half~~] one-quarter acre, except as
11 provided for in section 205-2."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

15

INTRODUCED BY: 



S.B. NO. 1062

Report Title:

Rural Districts; Dwellings

Description:

Allows up to one dwelling per quarter-acre in rural districts.

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

