

JAN 21 2022

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# A BILL FOR AN ACT

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RELATING TO RURAL DISTRICTS.

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

1       SECTION 1. The purpose of this Act is to allow the  
2 counties to determine the appropriateness of allowing dwellings  
3 on each quarter-acre, rather than half-acre, of rural lands.  
4 Given the need for additional local housing, the legislature  
5 believes that permitting the counties to adopt an ordinance to  
6 allow dwellings on each quarter-acre will provide the required  
7 flexibility to address this important issue.

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

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

11       "(a) There shall be four major land use districts in which  
12 all lands in the State shall be placed: urban, rural,  
13 agricultural, and conservation. The land use commission shall  
14 group contiguous land areas suitable for inclusion in one of  
15 these four major districts. The commission shall set standards  
16 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 are not suited to low density  
6 residential lots or small farms by reason of topography, soils,  
7 and other related characteristics. Rural districts shall also  
8 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;



(2) Agricultural uses;

(3) Golf courses, golf driving ranges, and golf-related facilities;

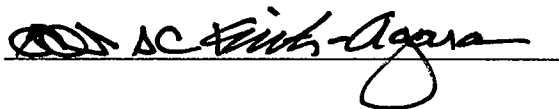
(4) Public, quasi-public, and public utility facilities; and

(5) Geothermal resources exploration and geothermal resources development, as defined under section 182-1.

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

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 Statutory material to be repealed is bracketed and stricken.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

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

INTRODUCED BY: 



# S.B. NO. 2364

**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.*

