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# 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 shortage  
2 of housing in Hawaii, the counties should be permitted to  
3 increase density in state-designated rural districts. Under  
4 current state law, only one dwelling unit is permitted on a one-  
5 half acre, or 21,780 square feet, of land in a rural district.  
6 The legislature further finds that giving counties the option of  
7 adopting ordinances to allow dwellings on each quarter-acre will  
8 increase housing opportunities where appropriate.

9           Accordingly, the purpose of this Act is to allow the  
10 counties to determine the appropriateness of allowing dwellings  
11 on each quarter-acre, rather than each half-acre, of lands in  
12 rural districts; provided that the dwellings are consistent with  
13 the county general plan and community development plans.

14           SECTION 2. Section 205-2, Hawaii Revised Statutes, is  
15 amended as follows:

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



1           "(a) There shall be four major land use districts in which  
2 all lands in the State shall be placed: urban, rural,  
3 agricultural, and conservation. The land use commission shall  
4 group contiguous land areas suitable for inclusion in one of  
5 these four major districts. The commission shall set standards  
6 for determining the boundaries of each district[~~7~~]; provided  
7 that:

8           (1) In the establishment of boundaries of urban districts,  
9 those lands that are now in urban use and a sufficient  
10 reserve area for foreseeable urban growth shall be  
11 included;

12           (2) In the establishment of boundaries for rural  
13 districts, areas of land composed primarily of small  
14 farms mixed with very low density residential lots,  
15 which may be shown by a minimum density of not more  
16 than one house per [~~one-half~~] one-quarter acre and a  
17 minimum lot size of not less than one-half acre shall  
18 be included, except as herein provided;

19           (3) In the establishment of the boundaries of agricultural  
20 districts, the greatest possible protection shall be



1 given to those lands with a high capacity for  
 2 intensive cultivation; and  
 3 (4) In the establishment of the boundaries of conservation  
 4 districts, the "forest and water reserve zones"  
 5 provided in Act 234, section 2, Session Laws of Hawaii  
 6 1957, are renamed "conservation districts" and,  
 7 effective as of July 11, 1961, the boundaries of the  
 8 forest and water reserve zones theretofore established  
 9 pursuant to Act 234, section 2, Session Laws of Hawaii  
 10 1957, shall constitute the boundaries of the  
 11 conservation districts; provided that thereafter the  
 12 power to determine the boundaries of the conservation  
 13 districts shall be in the commission.

14 In establishing the boundaries of the districts in each county,  
 15 the commission shall give consideration to the master plan or  
 16 general plan of the county."

17 2. By amending subsection (c) to read:  
 18 "(c) Rural districts shall include activities or uses as  
 19 characterized by low density residential lots of not more than  
 20 one dwelling house per [~~one-half~~] one-quarter acre, except as  
 21 provided by county ordinance pursuant to section 46-4(c) [~~7~~] and

1 provided that each dwelling house shall be consistent with the  
2 county general plan and community development plan, in areas  
3 where "city-like" concentration of people, structures, streets,  
4 and urban level of services are absent, and where small farms  
5 are intermixed with low density residential lots except that  
6 within a subdivision, as defined in section 484-1, the  
7 commission for good cause may allow one lot of less than  
8 one-half acre, but not less than [~~eighteen thousand five hundred~~  
9 ~~square feet,~~] one-quarter acre, or an equivalent residential  
10 density, within a rural subdivision and permit the construction  
11 of one dwelling on [~~such~~] the lot; provided that all other  
12 dwellings in the subdivision shall have a minimum lot size of  
13 one-half acre or 21,780 square feet. [~~Such~~] The petition for  
14 variance may be processed under the special permit procedure.  
15 These districts may include contiguous areas [~~which~~] that are  
16 not suited to low density residential lots or small farms by  
17 reason of topography, soils, and other related characteristics.  
18 Rural districts shall also include golf courses, golf driving  
19 ranges, and golf-related facilities.

20 In addition to the uses listed in this subsection, rural  
21 districts shall include geothermal resources exploration and



1 geothermal resources development, as defined under section  
2 182-1, and construction and operation of wireless communication  
3 antenna, as defined under section 205-4.5(a)(18), as permissible  
4 uses."

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

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

- 10 (1) Low density residential uses;
- 11 (2) Agricultural uses;
- 12 (3) Golf courses, golf driving ranges, and golf-related  
13 facilities;
- 14 (4) Public, quasi-public, and public utility facilities;  
15 and
- 16 (5) Geothermal resources exploration and geothermal  
17 resources development, as defined under section 182-1.

18 In addition, the minimum lot size for any low density  
19 residential use shall be one-half acre and there shall be but  
20 one dwelling house per [~~one-half~~] one-quarter acre[~~7~~]; provided  
21 that each dwelling house shall be consistent with the county



1 general plan and community development plans, except as provided  
2 for in section 205-2."

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

5 SECTION 5. This Act shall take effect on July 1, 2050.

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H.B. NO. 1751  
H.D. 2

**Report Title:**

Rural Districts; Dwellings; County Ordinances

**Description:**

Authorizes the counties to adopt ordinances that allow up to one dwelling per quarter-acre in rural districts; provided that the dwellings are consistent with the county general plan and community development plans. Effective 7/1/2050. (HD2)

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

