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# A BILL FOR AN ACT

RELATING TO LAND USE.

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

1 SECTION 1. Section 205-2, Hawaii Revised Statutes, is  
2 amended as follows:

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

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

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

14 (2) In the establishment of boundaries for rural  
15 districts, ~~[areas of land composed primarily of small~~  
16 ~~farms mixed with very low density residential lots,~~  
17 ~~which may be shown by a minimum density of not more~~  
18 ~~than one house per one-half acre and a minimum lot~~



1 ~~size of not less than one-half acre shall be included,~~  
2 ~~except as herein provided;]~~ the land use commission  
3 shall give consideration to:

4 (A) Contiguous land areas with soil classified by the  
5 land study bureau's detailed land classification  
6 as overall (master) productivity rating class C,  
7 D, E, or U;

8 (B) Agricultural lands with residential subdivisions  
9 existing before January 1, 2006; and

10 (C) Areas not suited to agricultural and ancillary  
11 activities by reason of topography and other  
12 related characteristics;

13 (3) In the establishment of the boundaries of agricultural  
14 districts, the greatest possible protection shall be  
15 given to those lands with a high capacity for  
16 intensive cultivation; and

17 (4) In the establishment of the boundaries of conservation  
18 districts, the "forest and water reserve zones"  
19 provided in Act 234, section 2, Session Laws of Hawaii  
20 1957, are renamed "conservation districts" and,  
21 effective as of July 11, 1961, the boundaries of the  
22 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 acre, except as provided by~~  
13 ~~county ordinance pursuant to section 46-4(c), in areas where~~  
14 ~~"city-like" concentration of people, structures, streets, and~~  
15 ~~urban level of services are absent, and where small farms are~~  
16 ~~intermixed with low density residential lots except that within~~  
17 ~~a subdivision, as defined in section 484-1, the commission for~~  
18 ~~good cause may allow one lot of less than one-half acre, but not~~  
19 ~~less than 18,500 square feet, or an equivalent residential~~  
20 ~~density, within a rural subdivision and permit the construction~~  
21 ~~of one dwelling on such lot, provided that all other dwellings~~  
22 ~~in the subdivision shall have a minimum lot size of one-half~~



1 ~~acre or 21,780 square feet. Such petition for variance may be~~  
2 ~~processed under the special permit procedure. These districts~~  
3 ~~may include contiguous areas which are not suited to low density~~  
4 ~~residential lots or small farms by reason of topography, soils,~~  
5 ~~and other related characteristics. Rural districts shall also~~  
6 ~~include golf courses, golf driving ranges, and golf-related~~  
7 ~~facilities.]:~~

8 (1) Small agricultural or farming operations;

9 (2) Public institutions and buildings;

10 (3) Public and private open area types of recreational

11 uses including campgrounds, picnic grounds, overnight

12 camp, parks, riding stables, golf courses, golf

13 driving ranges, and country clubs;

14 (4) Educational institutions;

15 (5) Public utilities;

16 (6) Low density retail and commercial facilities; and

17 (7) Low density residential subdivisions with not more

18 than dwelling units per acre;

19 provided that the permissible uses described in this subsection

20 may be further defined by each county by zoning ordinance."

21 SECTION 2. Section 205-3.1, Hawaii Revised Statutes, is

22 amended to read as follows:



1           "§205-3.1 Amendments to district boundaries. (a)

2 District boundary amendments involving lands in the conservation  
3 district, land areas greater than fifteen acres, or lands  
4 delineated as important agricultural lands shall be processed by  
5 the land use commission pursuant to section 205-4.

6           (b) Any department or agency of the State, and department  
7 or agency of the county in which the land is situated, or any  
8 person with a property interest in the land sought to be  
9 reclassified under this section may petition the appropriate  
10 county land use decision-making authority of the county in which  
11 the land is situated for a change in the boundary of a district  
12 involving lands less than fifteen acres presently in the rural  
13 and urban districts and lands less than fifteen acres in the  
14 agricultural district that are not designated as important  
15 agricultural lands.

16           (c) Any person with a property interest in agricultural  
17 land meeting the criteria in section 205-2(a)(2) for rural lands  
18 may petition the appropriate county land use decision-making  
19 authority of the county in which the land is situated for a  
20 change in the boundary of a district involving lands less than  
21 fifteen acres to rural, if the person has dedicated lands for  
22 agricultural use pursuant to county ordinance or has designated



1 lands as important agricultural lands pursuant to part III of  
2 this chapter.

3       ~~[(e)]~~ (d) District boundary amendments involving land  
4 areas of fifteen acres or less, except as provided in subsection  
5 (b), shall be determined by the appropriate county land use  
6 decision-making authority for the district and shall not require  
7 consideration by the land use commission pursuant to section  
8 205-4; provided that such boundary amendments and approved uses  
9 are consistent with this chapter. The appropriate county land  
10 use decision-making authority may consolidate proceedings to  
11 amend state land use district boundaries, pursuant to this  
12 subsection, with county proceedings to amend the general plan,  
13 development plan, zoning of the affected land, or such other  
14 proceedings. Appropriate ordinances and rules to allow  
15 consolidation of such proceedings may be developed by the county  
16 land use decision-making authority.

17       ~~[(d)]~~ (e) The county land use decision-making authority  
18 shall serve a copy of the application for a district boundary  
19 amendment to the land use commission and the department of  
20 business, economic development, and tourism and shall notify the  
21 commission and the department of the time and place of the  
22 hearing and the proposed amendments scheduled to be heard at the



1 hearing. A change in the state land use district boundaries  
2 pursuant to this subsection shall become effective on the day  
3 designated by the county land use decision-making authority in  
4 its decision. Within sixty days of the effective date of any  
5 decision to amend state land use district boundaries by the  
6 county land use decision-making authority, the decision and the  
7 description and map of the affected property shall be  
8 transmitted to the land use commission and the department of  
9 business, economic development, and tourism by the county  
10 planning director."

11 SECTION 3. Section 205-4, Hawaii Revised Statutes, is  
12 amended by amending subsection (a) to read as follows:

13 "(a) Any department or agency of the State, any department  
14 or agency of the county in which the land is situated, or any  
15 person with a property interest in the land sought to be  
16 reclassified, may petition the land use commission for a change  
17 in the boundary of a district. Any person with a property  
18 interest in agricultural land meeting the criteria in section  
19 205-2(a)(2) for rural lands may petition the land use commission  
20 for a change in the boundary of a district involving lands  
21 greater than fifteen acres to rural, if the person has dedicated  
22 other lands for agricultural use pursuant to county ordinance or



1 has designated other lands as important agricultural lands  
2 pursuant to part II of this chapter. This section applies to  
3 all petitions for changes in district boundaries of lands within  
4 conservation districts, lands designated or sought to be  
5 designated as important agricultural lands, and lands greater  
6 than fifteen acres in the agricultural, rural, and urban  
7 districts, except as provided in section 201G-118. The land use  
8 commission shall adopt rules pursuant to chapter 91 to implement  
9 section 201G-118."

10 SECTION 4. Section 205-5, Hawaii Revised Statutes, is  
11 amended by amending subsection (c) to read as follows:

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

- 15 [~~(1) Low density residential uses;~~  
16 ~~(2) Agricultural uses;~~  
17 ~~(3) Golf courses, golf driving ranges, and golf-related~~  
18 ~~facilities; and~~  
19 ~~(4) Public, quasi-public, and public utility facilities.~~

20 ~~In addition, the minimum lot size for any low density~~  
21 ~~residential use shall be one-half acre and there shall be but~~





1 ~~one dwelling house per one-half acre, except as provided for in~~  
2 ~~section 205-2.]~~

- 3       (1) Small agricultural or farming operations;
- 4       (2) Public institutions and buildings;
- 5       (3) Public and private open area types of recreational  
6       uses including campgrounds, picnic grounds, overnight  
7       camps, parks, riding stables, golf courses, golf  
8       driving ranges, and country clubs;
- 9       (4) Educational institutions;
- 10       (5) Public utilities;
- 11       (6) Low density retail and commercial facilities; and
- 12       (7) Low density residential subdivisions with not more  
13       than               dwelling units per acre."

14       SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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H.B.No.2143

**Report Title:**

Land Use Commission

**Description:**

Expands permitted uses to include low density retail and commercial facilities, public institutions, and educational institutions. Provides for increased density in the rural district.

