

JAN 25 2006

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~~



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

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

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

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

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

(4) In the establishment of the boundaries of conservation
districts, the "forest and water reserve zones"
provided in Act 234, section 2, Session Laws of Hawaii
1957, are renamed "conservation districts" and,
effective as of July 11, 1961, the boundaries of the
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 camp, 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.

17

INTRODUCED BY: 



SB. NO. 2012

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.

