
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 acres;

19 provided that the permissible uses described in this subsection
20 may be further defined by each county by zoning ordinances."

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:



1 (1) The person has dedicated other lands for agricultural
2 use pursuant to county ordinance; or

3 (2) The person has designated other lands as important
4 agricultural lands pursuant to part III, section 205-
5 45.

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

20 [~~d~~] (e) The county land use decision-making authority
21 shall serve a copy of the application for a district boundary
22 amendment to the land use commission and the department of

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

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

16 "(a) Any department or agency of the State, any department
17 or agency of the county in which the land is situated, or any
18 person with a property interest in the land sought to be
19 reclassified, may petition the land use commission for a change
20 in the boundary of a district. Any person with a property
21 interest in agricultural land meeting the criteria in section
22 205-2(a)(2) for rural lands may petition the land use commission



1 for a change in the boundary of a district involving lands
 2 greater than fifteen acres to rural if the person has dedicated
 3 other lands for agricultural use pursuant to county ordinance or
 4 has designated other lands as important agricultural lands
 5 pursuant to part III of this chapter. This section applies to
 6 all petitions for changes in district boundaries of lands within
 7 conservation districts, lands designated or sought to be
 8 designated as important agricultural lands, and lands greater
 9 than fifteen acres in the agricultural, rural, and urban
 10 districts, except as provided in section 201H-38. The land use
 11 commission shall adopt rules pursuant to chapter 91 to implement
 12 section 201H-38."

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

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

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



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


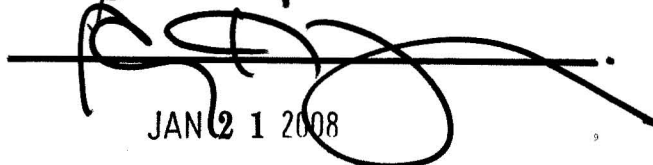
- 5 (1) Small agricultural or farming operations;
- 6 (2) Public institutions and buildings;
- 7 (3) Public and private open area types of recreational
8 uses, including campgrounds, picnic grounds, overnight
9 camp, parks, riding stables, golf courses, golf
10 driving ranges, and country clubs;
- 11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

16 SECTION 5. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

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

19

INTRODUCED BY: _____

 JAN 21 2008



Report Title:

Land Use; Rural Districts

Description:

Amends the land use law to expand the permissible land uses within rural districts. Permits individuals under certain conditions to change land classification from agricultural to rural land.

