

PROPOSED

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

S.B. NO. 546
S.D. 1

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 by:

3 1. Amending subsection (a) to read as follows:

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



1 than one house per [~~one-half~~] one acre and a minimum
2 lot size of not less than [~~one-half~~] one acre shall be
3 included, except as herein provided;

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

8 (4) In the establishment of the boundaries of conservation
9 districts, the "forest and water reserve zones"
10 provided in Act 234, section 2, Session Laws of Hawaii
11 1957, are renamed "conservation districts" and,
12 effective as of July 11, 1961, the boundaries of the
13 forest and water reserve zones theretofore established
14 pursuant to Act 234, section 2, Session Laws of Hawaii
15 1957, shall constitute the boundaries of the
16 conservation districts; provided that thereafter the
17 power to determine the boundaries of the conservation
18 districts shall be in the commission.

19 In establishing the boundaries of the districts in each county,
20 the commission shall give consideration to the master plan or
21 general plan of the county."

22 2. Amending subsections (c) and (d) to read as follows:



1 "(c) Rural districts shall include activities or uses as
2 characterized by low density residential lots of not more than
3 one dwelling house per [~~one-half~~] one acre, except as provided
4 by county ordinance pursuant to section 46-4(c), in areas where
5 "city-like" concentration of people, structures, streets, and
6 urban level of services are absent, and where small farms are
7 intermixed with low density residential lots except that within
8 a subdivision, as defined in section 484-1, the commission for
9 good cause may allow one lot of less than [~~one-half~~] one acre,
10 but not less than [~~18,500~~] 37,000 square feet, or an equivalent
11 residential density, within a rural subdivision and permit the
12 construction of one dwelling on [~~such~~] the lot, provided that
13 all other dwellings in the subdivision shall have a minimum lot
14 size of [~~one-half~~] one acre or [~~21,780~~] 43,400 square feet.
15 [~~Such~~] A petition for a variance may be processed under the
16 special permit procedure. The clustering of dwelling houses may
17 be permitted but shall not diminish the maximum density per one-
18 acre requirement established under this subsection. These
19 districts may include contiguous areas [~~which~~] that are not
20 suited to low density residential lots or small farms by reason
21 of topography, soils, and other related characteristics. Rural



1 districts shall also include golf courses, golf driving ranges,
2 and golf-related facilities.

3 (d) Agricultural districts shall include:

4 (1) Activities or uses as characterized by the cultivation
5 of crops, orchards, forage, and forestry;

6 (2) Farming activities or uses related to animal
7 husbandry, and game and fish propagation;

8 (3) Aquaculture, which means the production of aquatic
9 plant and animal life within ponds and other bodies of
10 water;

11 (4) Wind generated energy production for public, private,
12 and commercial use;

13 (5) Bona fide agricultural services and uses that support
14 the agricultural activities of the fee or leasehold
15 owner of the property and accessory to any of the
16 above activities, whether or not conducted on the same
17 premises as the agricultural activities to which they
18 are accessory, including but not limited to farm
19 dwellings as defined in section 205-4.5(a)(4),
20 employee housing, farm buildings, mills, storage
21 facilities, processing facilities, vehicle and
22 equipment storage areas, roadside stands for the sale



1 of products grown on the premises, and plantation
2 community subdivisions as defined in section
3 205-4.5(a)(12) [7]. For farm dwellings or employee
4 housing, lots shall have a maximum density of not more
5 than one dwelling unit per five acres, unless the land
6 is designated as important agricultural land under
7 section 205-44; provided that the clustering of
8 dwelling units may be permitted but shall not diminish
9 the maximum density per five-acre requirement
10 established in this sentence;

11 (6) Wind machines and wind farms;

12 (7) Small-scale meteorological, air quality, noise, and
13 other scientific and environmental data collection and
14 monitoring facilities occupying less than one-half
15 acre of land; provided that these facilities shall not
16 be used as or equipped for use as living quarters or
17 dwellings;

18 (8) Agricultural parks;

19 (9) Agricultural tourism conducted on a working farm, or a
20 farming operation as defined in section 165-2, for the
21 enjoyment, education, or involvement of visitors;
22 provided that the agricultural tourism activity is



1 accessory and secondary to the principal agricultural
2 use and does not interfere with surrounding farm
3 operations; and provided further that this paragraph
4 shall apply only to a county that has adopted
5 ordinances regulating agricultural tourism under
6 section 205-5; and

7 (10) Open area recreational facilities.

8 Agricultural districts shall not include golf courses and golf
9 driving ranges, except as provided in section 205-4.5(d).

10 Agricultural districts include areas that are not used for, or
11 that are not suited to, agricultural and ancillary activities by
12 reason of topography, soils, and other related characteristics."

13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.

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

18 SECTION 4. This Act shall take effect upon its approval.



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Report Title:

Land Use; Residential Lot Size; Rural Districts; Agricultural Districts

Description:

Establishes a minimum residential lot size in a rural district of one acre. Establishes a minimum residential lot size in a agricultural district of five acres. (SD1)

