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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 need for  
2 additional local housing, the counties should be permitted to  
3 adopt ordinances to allow dwellings on each quarter-acre, which  
4 will provide flexibility to address this important issue.  
5 Accordingly, the purpose of this Act is to allow the counties to  
6 determine the appropriateness of allowing dwellings on each  
7 quarter-acre, rather than half-acre, of lands in rural  
8 districts; provided that the ordinances are consistent with the  
9 county general plan and community development plan.

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

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

13           "(a) There shall be four major land use districts in which  
14 all lands in the State shall be placed: urban, rural,  
15 agricultural, and conservation. The land use commission shall  
16 group contiguous land areas suitable for inclusion in one of



1 these four major districts. The commission shall set standards  
2 for determining the boundaries of each district, provided that:

3 (1) In the establishment of boundaries of urban districts  
4 those lands that are now in urban use and a sufficient  
5 reserve area for foreseeable urban growth shall be  
6 included;

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

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

18 (4) In the establishment of the boundaries of conservation  
19 districts, the "forest and water reserve zones"  
20 provided in Act 234, section 2, Session Laws of Hawaii  
21 1957, are renamed "conservation districts" and,



1 effective as of July 11, 1961, the boundaries of the  
 2 forest and water reserve zones theretofore established  
 3 pursuant to Act 234, section 2, Session Laws of Hawaii  
 4 1957, shall constitute the boundaries of the  
 5 conservation districts; provided that thereafter the  
 6 power to determine the boundaries of the conservation  
 7 districts shall be in the commission.

8 In establishing the boundaries of the districts in each county,  
 9 the commission shall give consideration to the master plan or  
 10 general plan of the county."

11 2. By amending subsection (c) to read:

12 "(c) Rural districts shall include activities or uses as  
 13 characterized by low density residential lots of not more than  
 14 one dwelling house per [~~one-half~~] one-quarter acre, except as  
 15 provided by county ordinance pursuant to section 46-4(c) [~~r~~] and  
 16 provided that any such dwelling house shall be consistent with  
 17 the county general plan and community development plans, in  
 18 areas where "city-like" concentration of people, structures,  
 19 streets, and urban level of services are absent, and where small  
 20 farms are intermixed with low density residential lots except  
 21 that within a subdivision, as defined in section 484-1, the



1 commission for good cause may allow one lot of less than one-  
2 half acre, but not less than [~~eighteen thousand five hundred~~  
3 ~~square feet,~~] one-quarter acre, or an equivalent residential  
4 density, within a rural subdivision and permit the construction  
5 of one dwelling on such lot; provided that all other dwellings  
6 in the subdivision shall have a minimum lot size of one-half  
7 acre or 21,780 square feet. Such petition for variance may be  
8 processed under the special permit procedure. These districts  
9 may include contiguous areas which are not suited to low density  
10 residential lots or small farms by reason of topography, soils,  
11 and other related characteristics. Rural districts shall also  
12 include golf courses, golf driving ranges, and golf-related  
13 facilities.

14 In addition to the uses listed in this subsection, rural  
15 districts shall include geothermal resources exploration and  
16 geothermal resources development, as defined under section  
17 182-1, and construction and operation of wireless communication  
18 antenna, as defined under section 205-4.5(a)(18), as permissible  
19 uses."

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



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

4           (1) Low density residential uses;

5           (2) Agricultural uses;

6           (3) Golf courses, golf driving ranges, and golf-related  
7 facilities;

8           (4) Public, quasi-public, and public utility facilities;  
9 and

10          (5) Geothermal resources exploration and geothermal  
11 resources development, as defined under section 182-1.

12          In addition, the minimum lot size for any low density  
13 residential use shall be one-half acre and there shall be but  
14 one dwelling house per [~~one-half~~] one-quarter acre[~~7~~]; provided  
15 that any such dwelling house shall be consistent with the county  
16 general plan and community development plan, except as provided  
17 for in section 205-2."

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

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



# H.B. NO. 502 H.D. 1

**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. Effective 7/1/2050. (HD1)

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

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