

ACT 187

H. B. NO. 2249-72

A Bill for an Act Relating to the Land Use Law.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The purpose of this Act is to amend the Land Use Law to clarify the procedures for public hearings on amendments to district boundaries.

SECTION 2. Section 205-4, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 205-4 Amendments to district boundaries.** Any department or agency of the State or county, or any property owner or lessee may petition the land use commission for a change in the boundary of any district. Within five days of receipt, the commission shall forward a copy of the petition to the planning commission of the county wherein the land is located. Within forty-five days after receipt of the petition by the county, the county planning commission shall forward the petition, together with its comments and recommendations, to the commission. Upon written request by the county planning commission, the commission may grant an extension of not more than fifteen days for the receipt of any comments and recommendations. The commission may also initiate changes in a district boundary which shall be submitted to the appropriate county planning agency for comments and recommendations in the same manner as any other request for a boundary change.

After sixty days but within one hundred and twenty days of the original receipt of a petition, the commission shall hold a public hearing in the appropriate county in accordance with the requirements of section 205-3. The commission shall notify the persons and agencies that may have an interest in the subject matter of the time and place of the hearing. Within a period of not more than ninety days and not less than forty-five days after the hearing, the

commission shall act to approve the petition, deny the petition, or to modify the petition by imposing conditions necessary to uphold the general intent and spirit of this chapter and to assure substantial compliance with representations made by the petitioner in seeking a boundary change. Such conditions, if any, shall run with the land and be recorded in the bureau of conveyances. The commission may approve the change with six affirmative votes. No change shall be approved unless the petitioner has submitted proof that the area is needed for a use other than that for which the district in which it is situated is classified, and either of the following requirements has been fulfilled:

- (1) The petitioner has submitted proof that the land is usable and adaptable for the use it is proposed to be classified, or
- (2) Conditions and trends of development have so changed since the adoption of the present classification, that the proposed classification is reasonable.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

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

(Approved June 3, 1972.)

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\*Edited accordingly.