

ACT 64

S.B. NO. 2092-76

**A Bill for an Act Amending Section 205-35 of the Hawaii Revised Statutes,
Relating to Shoreline Setbacks.**

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

SECTION 1. Section 205-35 of the Hawaii Revised Statutes is hereby amended to read:

“Section 205-35 Functions of agency. (a) The agency shall administer the provisions of this part. It shall review the plans of all applicants who propose any structure, activity, or facility which otherwise would be prohibited by this part.

The agency may require that the plans be supplemented by accurately mapped data showing natural conditions and topography relating to all existing and proposed structures, buildings and facilities.

The agency may also require reasonable changes in the submitted plans in order to obtain optimum compliance practicable.

(b) After reviewing the plans, the agency shall transmit the plans with its recommendations to the county planning commission except in counties where the county planning commission is advisory only in which case to the county council or such body as the council shall by ordinance designate. Such governmental body shall grant a variance for such structure, activity, or facility if, after a hearing pursuant to chapter 91, it finds in writing, based on the record presented either: (1) that such structure, activity, or facility is in the public interest; or (2) that hardship will be caused to the applicant if the proposed structure, activity, or facility is not allowed on that portion of the land within the shoreline area. Any variance granted may be subject to such conditions as will cause the structure, activity, or facility to result in a minimum interference with natural shoreline processes. Such governmental body shall render written approval or disapproval within forty-five days after the hearing on the applicant’s plans, unless such period is extended by written agreement between the governmental body and the applicant.”

SECTION 2. Statutory material to be repealed is bracketed.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 3. This Act shall take effect upon its approval.

(Approved May 10, 1976.)

*Edited accordingly.