H.B. NO. <sup>1436</sup> H.D. 1 S.D. 2 C.D. 1

### A BILL FOR AN ACT

RELATING TO DEVELOPMENT RIGHTS.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that climate change is 2 real. Rising sea levels throughout the State will erode 3 beaches, damage habitats, and disrupt ecological processes and cause saline intrusion into freshwater ecosystems and 4 5 groundwater, flooding or inundation of low-lying areas, and 6 damage to private and public property and infrastructure. 7 The purpose of this Act is to expand the authority of the 8 counties to regulate the transfer of development rights to help 9 protect areas vulnerable to sea level rise, coastal erosion, 10 storm surge, and flooding, thereby facilitating the potential 11 movement of development away from at-risk areas to locations 12 more appropriate for development.

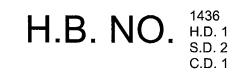
13 SECTION 2. Section 46-161, Hawaii Revised Statutes, is14 amended to read as follows:

15 "[+]\$46-161[+] Findings and purpose. The legislature
16 finds that there is a need to clarify the authority of the

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1	counties to exercise the power to transfer development rights		
2	within a comprehensive planning program to:		
3	(1) Protect the natural, scenic, recreational, and		
4	agricultural qualities of open lands including		
5	critical resource areas; [ <del>and</del> ]		
6	(2) Enhance sites and areas of special character or		
7	special historical, cultural, aesthetic, or economic		
8	interest or value [-]; and		
9	(3) Protect from development lands that are vulnerable to		
10	impacts and hazards from sea level rise, coastal		
11	erosion, storm surge, and flooding associated with		
12	climate change.		
13	The legislature finds that transfer of development rights		
14	programs can help to ensure proper growth, while protecting open		
15	and distinctive areas and spaces of varied size and character,		
16	including many areas that have significant agricultural,		
17	ecological, scenic, historical, aesthetic, or economic value.		
18	These areas, if preserved and maintained in their present state,		
19	would constitute important physical, social, aesthetic, or		
20	economic assets to existing or impending urban and metropolitan		
21	development. The legislature further finds that the transfer of		

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14 amended to read as follows:

15 "[+]\$46-163[+] Conditions for the transfer of development 16 rights. In addition to any existing power, duty, and authority 17 of the counties to regulate land uses by planning or zoning, the 18 counties are hereby authorized to transfer and regulate the 19 transfer of development rights, subject to the conditions set 20 forth under this part, as well as planning laws, zoning laws, 21 and any other conditions as the legislative body of each county

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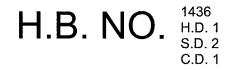
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1	deems nec	essary and appropriate. The purpose of providing for
2	transfer	of development rights shall be to:
3	(1)	Protect the natural, scenic, and agricultural
4		qualities of open lands;
5	(2)	Enhance sites and areas of special character or
6		special historical, cultural, aesthetic, or economic
7		interest or value; [ <del>and</del> ]
8	(3)	Protect lands at risk from sea level rise, coastal
9		erosion, storm surge, or flooding; and
10	[ <del>(3)</del> ]	(4) Enable and encourage flexibility of design and
11		careful management of land in recognition of land as a
12		basic and valuable natural resource."
13	SECT	ION 4. Statutory material to be repealed is bracketed
14	and stric	ken. New statutory material is underscored.
15	SECT	ION 5. This Act shall take effect upon its approval.



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#### Report Title:

City and County of Honolulu Mayor's Package; Development Rights; Sea Level Rise

#### Description:

Expands the authority of the counties to transfer development rights to address areas at risk of sea level rise, coastal erosion, storm surge, or flooding associated with climate change. (CD1)

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

