

**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE(S) ON WATER AND LAND & GOVERNMENT OPERATIONS
Tuesday, March 22, 2022
3:05 PM
State Capitol, Conference Room 016 and Via Videoconference

in consideration of
HB 1436, HD1
RELATING TO DEVELOPMENT RIGHTS.

Chairs Inouye and Moriwaki, Vice Chairs Keith-Agaran and Dela Cruz, and Members of the Senate Committees on Water and Land & Government Operations.

The Office of Planning and Sustainable Development (OPSD) **supports** HB 1436, HD1. This measure would authorize the counties to employ transfer of development rights (TDR)—a voluntary tool—to protect lands at risk from sea level rise, coastal erosion, storm surge, or flooding, and direct development away from lands subject to natural hazards associated with sea level rise and storm events.

OPSD appreciates the amendments made in HD1, which strengthen the purpose of the expanded use of TDR. However, we offer and recommend the following amendments to restore the bill's original focus on lands impacted by sea level rise, coastal erosion, storm surge, or flooding:

1. Page 2, lines 9-12, amend to read as follows:
“(3) Protect from development lands that are vulnerable to impacts and hazards associated with sea level rise, coastal erosion, storm surge, or flooding.”
2. Page 2, line 21 to page 3, line 5, amend to read as follows:
“...development. The legislature further finds that the transfer of development rights from lands vulnerable to or adversely affected by sea level rise, coastal erosion, storm surge, or flooding to lands that are not at risk from these hazards would reduce property losses and result in long-term economic and fiscal benefits to communities and government. The legislature further...”

Thank you for the opportunity to testify on this measure.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 18, 2022

TO: Honorable Lorraine R. Inouye, Chair
Senate Committee on Water and Land

Honorable Sharon Y. Moriwaki, Chair
Senate Committee on Government Operations

FROM: Alice L. Lee
Council Chair

DATE: March 18, 2022

SUBJECT: **SUPPORT FOR HB 1436, HD1, RELATING TO DEVELOPMENT RIGHTS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to give counties authority to use the transfer of development rights to protect lands at risk from sea-level rise, coastal erosion, storm surge, or flooding.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I SUPPORT this measure for the following reasons:

1. Rising sea levels continue to pose a threat throughout the State, eroding beaches and damaging habitat, ecological processes, and public property.
2. This measure authorizes counties to use the transfer of development rights to help protect areas at risk of sea-level rise, coastal erosion, storm surge, or flooding, allowing the counties to better direct development away from at-risk coastal areas.
3. Transferring development rights would help counties reduce property losses and protect lands that are vulnerable to the impacts and hazards caused by climate change from development, which could result in long-term economic and financial benefits.
4. The authority granted by this measure would help the County of Maui fulfill the General Plan's directive to "restrict development in areas that are prone to natural hazards, disasters, or sea-level rise."

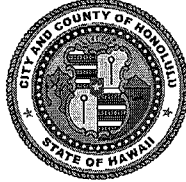
Honorable Lorraine R. Inouye
Honorable Sharon Y. Moriwaki
March 18, 2022
Page 2

For the foregoing reasons, I **SUPPORT** this measure.

ocs:proj:legis:22legis:testimony:hb1436_hd1_paf22-018(82)a_brs

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov



RICK BLANGIARDI
MAYOR

DEAN UCHIDA
DIRECTOR
DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR
EUGENE H. TAKAHASHI
DEPUTY DIRECTOR

March 22, 2022

The Honorable Lorraine R. Inouye, Chair
and Members of the Committee on Water and Land
The Honorable Sharon Y. Moriwaki, Chair
and Members of the Committee on Government Operations
Hawaii State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Inouye and Moriwaki, and Committee Members:

**Subject: House Bill No. 1436, HD 1
Relating to Development Rights**

The Department of Planning and Permitting (DPP) **supports** House Bill No. 1436, HD 1, which 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.

The City and County of Honolulu believes that this Bill would strengthen our ability to protect lands that are vulnerable to impacts and hazards caused by climate change. We are eager to expand our existing transfer of development rights (TDR) option in our zoning code to include a more proactive approach to the impacts of climate change.

Our existing TDR mechanism assists with the preservation of historic properties, but we believe the zoning code could do more to help people and property stay out of harm's way. The addition of explicit language pertaining to the use of TDR in response to climate change will strengthen our statutory authority to regulate land uses.

For the reasons stated above, we ask that House Bill No. 1436, HD 1, be passed out of your Committee.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "D. Uchida".

Dean Uchida
Director

OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11th FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-2277 • EMAIL: resilientoahu@honolulu.gov • INTERNET: www.resilientoahu.org



RICK BLANGIARDI
MAYOR

M ATTHEW GONSER, AICP, CFM
EXECUTIVE DIRECTOR &
CHIEF RESILIENCE OFFICER

TUESDAY, MARCH 22, 2022, 3:05 P.M.

STATE OF HAWAII
SENATE COMMITTEES ON WATER AND LAND AND GOVERNMENT OPERATIONS

**TESTIMONY ON HOUSE BILL 1436, HD1
RELATING TO DEVELOPMENT RIGHTS**

BY,

MATTHEW GONSER
EXECUTIVE DIRECTOR AND CHIEF RESILIENCE OFFICER
OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

Dear Chair Inouye, Chair Moriwaki, and Members of the Committees:

The City and County of Honolulu ("City") Office of Climate Change, Sustainability and Resiliency (CCSR) **supports HB1436, HD1**, which expands the authority of the counties to transfer development rights (TDR) to address areas at risk of sea level rise, coastal erosion, storm surge, or flooding.

Sea level rise (SLR) alone is a serious climate change hazard that may profoundly affect our economy, environment, and communities. The State Sea Level Rise Vulnerability and Adaptation Report (2018) notes that within the 3.2-foot sea level rise exposure area (SLR-XA), structural and land loss on O'ahu alone could amount to \$12.9 billion, flood 3,800 structures, displace 13,300 residents, and wash out 17.7 miles of major roads. Of the 9,400 acres of land on O'ahu within the 3.2-ft SLR-XA, over half is designated for urban land uses, making O'ahu the most vulnerable of the islands.

CCSR supports a suite of adaptation strategies that includes regulatory tools, market-based tools, planning tools, and spending tools. Like mandatory seller-disclosure of property within the SLR-XA as passed by the Legislature in 2021 and effective May 1, 2022, TDR is a market-based (and planning) tool, and one that helps accomplish multiple State goals at once. First, it provides an economically feasible option for property owners to mitigate risk and relocate from existing and increasingly hazardous locations, such as along the shoreline. Second, it supports City and State goals of facilitating growth and in-fill development in targeted areas such as near transit.

Thank you for the opportunity to testify in support of HB1436, HD1.