

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1925  
S.D. 2

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 1925, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SUSTAINABILITY,"

begs leave to report as follows:

The purpose of this measure is to support and further the efforts in achieving a sustainable future for Hawaii by developing and establishing sustainable communities in the State.

The measure proposes to establish a new chapter within Title 13, Hawaii Revised Statutes, the purpose of which is to maintain and preserve a healthy quality of life and environment for Hawaii's future generations. The measure requires the State, in a combined effort with all state departments and agencies, to develop and maintain sustainable communities that will:

- (1) Generate at least fifty per cent of all of its energy requirements for the entire community under development, including but not limited to, residential homes and areas and services for and used by the entire community under development;
- (2) Implement a comprehensive recycling program that will enable the community to divert at least seventy-five per cent of its solid waste from the landfills;
- (3) Implement an extensive community wastewater recycling and treatment management system that would enable the



community under development to treat and recycle all of its wastewater for landscaping water requirements onsite of the community and any agricultural water irrigation requirements offsite of the community;

- (4) Protect and preserve open space by designating at least fifty per cent of the entire tract of land for the residential community for open space; provided that:
  - (A) Open space shall not include areas designated for golf courses; and
  - (B) Open space shall include the shoreline, if the planned community abuts and includes shoreline space;
- (5) Promote and encourage visitation to any nearby cultural or historical sites, public beaches, shores, trails, and other outdoor recreational areas by not restricting public access to these areas; and
- (6) Provide affordable housing units by designating and reserving at least forty per cent of all of its residential units within the planned community for affordable housing units for residents to enable them to stay in Hawaii and provide shelter for their families.

The measure also provides that state-issued permits to develop such communities would be expedited and receive priority over the processing of permit applications for the development of nonsustainable community development projects.

Written testimony was not submitted to your Committee.

Hawaii is a unique and beautiful State that is largely dependent on the importation of fuel, food, and supplies to sustain its economy and communities. In 2005, the Legislature enacted Act 8, Special Session Laws of Hawaii 2005, to establish the Hawaii 2050 Sustainability Task Force. The interest in the concept of sustainability has grown through the efforts of the Task Force; state and county departments and agencies; branches of the United States military; local businesses and community groups; and community engagement programs and projects. Private industries and developers have introduced technology and concepts that can assist communities in their efforts to become more



sustainable and independent with minimal detrimental effects to the environment and the economy.

Your Committee finds that sustainability has transformed from the conceptual stage to an actual lifestyle that can be achieved, but only through a comprehensive joint effort with the government and the community. Establishing and supporting the development of sustainable communities in the State fulfills the intent of this measure, which is to support and further the efforts in achieving a sustainable future for Hawaii.

Your Committee has amended this measure by:

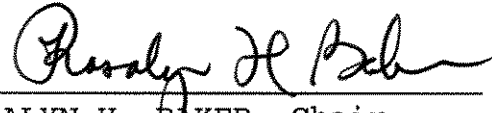
- (1) Clarifying that a developer of a residential community of fifty or more residential units has a choice to comply with the sustainable community criteria established in this measure;
- (2) Clarifying that if the developer chooses to comply with the sustainable community criteria, the developer will be able to engage in the expedited permit process;
- (3) Adding language that describes the expedited permit process and the notice procedure the developer is required to follow to engage in the expedited permit process;
- (4) Clarifying the role of the Land Use Commission in assisting in providing a sustainable residential community that will designate at least fifty per cent of the entire tract of land for open space;
- (5) Clarifying that if any applicable permit-granting state department or agency takes longer than three hundred sixty days to issue a decision or permit for the sustainable community development plans, then the permit will be deemed approved;
- (6) Adding language that clarifies that the Energy Resources Coordinator is the Director of Business, Economic Development, and Tourism, as provided under section 196-3, Hawaii Revised Statutes;
- (7) Inserting an effective date of July 1, 2050, to encourage further discussion on this matter; and



- (8) Making technical, nonsubstantive amendments for the purposes of clarity and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1925, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1925, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



ROSALYN H. BAKER, Chair



