

JAN 21 2022

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# A BILL FOR AN ACT

RELATING TO GREEN INFRASTRUCTURE.

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

1           SECTION 1. The legislature finds that sustainable design  
2 concepts for public infrastructure incorporate green vegetation  
3 and trees to decrease urban temperatures, reduce carbon  
4 emissions, improve air quality, and capture water to replenish  
5 the water table. The effects of climate change have made  
6 implementing sustainable design concepts more critical, as each  
7 passing year has seen increased temperatures and other impacts  
8 from climate change.

9           Studies have determined that people who live in areas that  
10 have more trees and green space are less likely to have acute  
11 respiratory symptoms and less likely to die of heart disease or  
12 respiratory disease. Studies have also found that green  
13 vegetation, trees, and properly designed and well-maintained  
14 infrastructure can also produce significant improvements to  
15 mental health and have positive psychological and quality of  
16 life benefits in a community. The Walt Disney Company uses  
17 these principles in park design, including painting unsightly



1 infrastructure, such as trash cans and streetlights, a standard  
2 shade of neutral green to blend them into the surrounding  
3 environment to improve the quality of experience for visitors.  
4 The same can be done in local communities to produce similar  
5 mental health and quality-of-life benefits.

6 The legislature further finds that Hawaii is world-renowned  
7 for its lush vegetation and that citizens and tourists alike  
8 actively seek out its green spaces. Increasing the number of  
9 parks and green spaces in Honolulu's urban core will increase  
10 the quality of life of residents and visitors alike.

11 Accordingly, the purpose of this Act is to improve the  
12 quality of life in the State by:

13 (1) Establishing objectives, policies, and priority  
14 guidelines for state facility systems in the Hawaii  
15 State Planning Act to achieve the use of green  
16 infrastructure, vegetation, and trees in state  
17 facility systems, infrastructure, and transit  
18 projects; and

19 (2) Requiring the office of planning and sustainable  
20 development, in partnership with the greenhouse gas  
21 sequestration task force, to make recommendations for



1 implementing the green infrastructure objectives,  
2 policies, and priority guidelines established by this  
3 Act.

4 SECTION 2. Chapter 226, Hawaii Revised Statutes, is  
5 amended by adding a new section to part I be appropriately  
6 designated and to read as follows:

7 "§226- Objectives and policies for facility systems,  
8 infrastructure, and transit projects; green infrastructure. (a)  
9 Planning for state facility systems, infrastructure, and transit  
10 projects with regard to green infrastructure shall be directed  
11 toward the achievement of the following sustainability design  
12 objectives:

13 (1) Minimizing stormwater runoff and replenishing the  
14 water table;

15 (2) Reducing the urban heat-island effect;

16 (3) Encouraging the removal of pollutants from the air;

17 and

18 (4) Encouraging the removal, sequestration, and storage of  
19 greenhouse gas emissions.



1           (b) Planning for state facility systems, infrastructure,  
2 and transit projects shall incorporate the achievement of the  
3 following quality of life experience design objectives:

4           (1) Creating a visual and sound barrier to enhance the  
5 quality of life in the surrounding community;

6           (2) Incorporating as much live foliage, trees, green  
7 infrastructure, and open green space as possible, with  
8 a priority on the use of Hawaiian plants where  
9 feasible;

10          (3) Requiring that all state departments, state agencies,  
11 and their contractors adopt uniform best practices  
12 when planting, caring, and maintaining these trees by  
13 following ANSI A300 Standards for tree care practices;  
14 and

15          (4) Finishing exterior exposed appurtenances and concrete  
16 surfaces not covered in foliage or green  
17 infrastructure with a standardized paint scheme to  
18 protect against weathering, blending appropriately  
19 with Hawaii's natural environment, and enhancing a  
20 Hawaii sense of place that provides for a better  
21 quality of life experience."



1 SECTION 3. Section 226-2, Hawaii Revised Statutes, is  
2 amended by adding two new definitions to be appropriately  
3 inserted and to read as follows:

4 "Green infrastructure" means the range of measures that  
5 use plant, tree, or soil systems with an expected life span of  
6 at least twenty years designed to reduce carbon footprints,  
7 reduce temperatures, reduce stormwater flow to sewer systems or  
8 surface waters, and meet Hawaii climate and sustainability  
9 goals.

10 "Hawaiian plants" shall have the same meaning as in section  
11 103D-408."

12 SECTION 4. Section 226-12, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

14 "(b) To achieve the scenic, natural beauty, and historic  
15 resources objective, it shall be the policy of this State to:

16 (1) Promote the preservation and restoration of  
17 significant natural and historic resources.

18 (2) Provide incentives to maintain and enhance historic,  
19 cultural, and scenic amenities.

20 (3) Promote the preservation of views and vistas to  
21 enhance the visual and aesthetic enjoyment of



1 mountains, ocean, scenic landscapes, and other natural  
2 features.

3 (4) Protect those special areas, structures, and elements  
4 that are an integral and functional part of Hawaii's  
5 ethnic and cultural heritage.

6 (5) Encourage the design of developments and activities  
7 that complement the natural beauty of the islands.

8 (6) Promote the increase of outdoor public green spaces.

9 (7) Connect outdoor public green spaces with existing  
10 trails.

11 (8) Promote the increase of urban tree canopy.

12 (9) Prioritize the use of Hawaiian plants where feasible  
13 to contribute to Hawaii's historic and cultural  
14 heritage, sense of place, biodiversity, and  
15 resilience."

16 SECTION 5. Section 226-104, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "§226-104 Population growth [~~and~~], land resources, and  
19 green infrastructure priority guidelines. (a) Priority

20 guidelines to effect desired statewide growth and distribution:



- 1           (1) Encourage planning and resource management to insure  
2           that population growth rates throughout the State are  
3           consistent with available and planned resource  
4           capacities and reflect the needs and desires of  
5           Hawaii's people.
- 6           (2) Manage a growth rate for Hawaii's economy that will  
7           parallel future employment needs for Hawaii's people.
- 8           (3) Ensure that adequate support services and facilities  
9           are provided to accommodate the desired distribution  
10          of future growth throughout the State.
- 11          (4) Encourage major state and federal investments and  
12          services to promote economic development and private  
13          investment to the neighbor islands, as appropriate.
- 14          (5) Explore the possibility of making available urban  
15          land, low-interest loans, and housing subsidies to  
16          encourage the provision of housing to support  
17          selective economic and population growth on the  
18          neighbor islands.
- 19          (6) Seek federal funds and other funding sources outside  
20          the State for research, program development, and



1 training to provide future employment opportunities on  
2 the neighbor islands.

3 (7) Support the development of high technology parks on  
4 the neighbor islands.

5 (b) Priority guidelines for regional growth distribution  
6 and land resource utilization:

7 (1) Encourage urban growth primarily to existing urban  
8 areas where adequate public facilities are already  
9 available or can be provided with reasonable public  
10 expenditures, and away from areas where other  
11 important benefits are present, such as protection of  
12 important agricultural land or preservation of  
13 lifestyles.

14 (2) Make available marginal or nonessential agricultural  
15 lands for appropriate urban uses while maintaining  
16 agricultural lands of importance in the agricultural  
17 district.

18 (3) Restrict development when drafting of water would  
19 result in exceeding the sustainable yield or in  
20 significantly diminishing the recharge capacity of any  
21 groundwater area.



- 1           (4) Encourage restriction of new urban development in  
2           areas where water is insufficient from any source for  
3           both agricultural and domestic use.
- 4           (5) In order to preserve green belts, give priority to  
5           state capital-improvement funds which encourage  
6           location of urban development within existing urban  
7           areas except where compelling public interest dictates  
8           development of a noncontiguous new urban core.
- 9           (6) Seek participation from the private sector for the  
10          cost of building infrastructure and utilities, and  
11          maintaining open spaces.
- 12          (7) Pursue rehabilitation of appropriate urban areas.
- 13          (8) Support the redevelopment of Kakaako into a viable  
14          residential, industrial, and commercial community.
- 15          (9) Direct future urban development away from critical  
16          environmental areas or impose mitigating measures so  
17          that negative impacts on the environment would be  
18          minimized.
- 19          (10) Identify critical environmental areas in Hawaii to  
20          include but not be limited to the following: watershed  
21          and recharge areas; wildlife habitats (on land and in



1 the ocean); areas with endangered species of plants  
2 and wildlife; natural streams and water bodies; scenic  
3 and recreational shoreline resources; open space and  
4 natural areas; historic and cultural sites; areas  
5 particularly sensitive to reduction in water and air  
6 quality; and scenic resources.

7 (11) Identify all areas where priority should be given to  
8 preserving rural character and lifestyle.

9 (12) Utilize Hawaii's limited land resources wisely,  
10 providing adequate land to accommodate projected  
11 population and economic growth needs while ensuring  
12 the protection of the environment and the availability  
13 of the shoreline, conservation lands, and other  
14 limited resources for future generations.

15 (13) Protect and enhance Hawaii's shoreline, open spaces,  
16 and scenic resources.

17 (c) Priority guidelines to promote the use of green  
18 infrastructure in state facility systems, infrastructure, and  
19 transit projects:



- 1        (1) Design all new state facilities, infrastructure, and  
2        transit upgrades to include best practices for tree  
3        planting and other green infrastructure.
- 4        (2) Make provisions for maintaining trees in accordance  
5        with standards set by the Accredited Standards  
6        Committee of the Tree Care Industry Association.
- 7        (3) Select tree species matched to site conditions to  
8        maximize tree health.
- 9        (4) Select tree and vegetation species for larger size at  
10       maturity where possible to maximize environmental  
11       benefits.
- 12       (5) Select varied native tree and vegetation species for  
13       biodiversity to increase resilience.
- 14       (6) Promote traffic safety with placement of foliage and  
15       trees consistent with Federal Highway Administration  
16       guidance, outside of "clear zones"."

17       SECTION 6. Section 37-62, Hawaii Revised Statutes, is  
18 amended as follows:

19       1. By amending the definition of "capital investment  
20 costs" to read:



1            "Capital investment costs" means costs, beyond the  
2 research and development phase, associated with capital  
3 improvements, including the acquisition and development of land,  
4 the design and construction of new facilities, and the making of  
5 renovations or additions to existing facilities. Design and  
6 construction of new facilities and the making of renovations or  
7 additions to existing facilities may include green  
8 infrastructure. Capital investment costs for a program are the  
9 sum of the program's capital improvement project costs."

10           2. By amending the definition of "construction costs" to  
11 read:

12           "Construction costs" means the costs involved in building  
13 and landscaping capital facilities, including any consultant or  
14 staff services required and built-in equipment. Construction  
15 costs may include green infrastructure."

16           SECTION 7. The office of planning and sustainable  
17 development, in partnership with the greenhouse gas  
18 sequestration task force, shall submit a report to the  
19 legislature, no later than twenty days prior to the convening of  
20 the regular session of 2023, that includes:





# S.B. NO. 2536

**Report Title:**

State Plan; Green Infrastructure; Office of Planning and Sustainable Development; Greenhouse Gas Sequestration Task Force; Report

**Description:**

Establishes green infrastructure objectives, policies, and priority guidelines for state facility systems, infrastructure, and transit projects in the Hawaii State Planning Act to improve the quality of life for residents and visitors. Defines "green infrastructure". Requires the Office of Planning and Sustainable Development, in partnership with Greenhouse Gas Sequestration Task Force, to submit a report to the Legislature making recommendations for implementing the green infrastructure objectives, policies, and priority guidelines.

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

