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## A BILL FOR AN ACT

RELATING TO COMMUNITY-BASED EDUCATIONAL RETREATS.

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

1           SECTION 1. The legislature finds that there are  
2 educational retreat communities within Hawaii that demonstrate  
3 and have been recognized for the provision of nature, culture,  
4 wellness, and sustainable living experiences in the spirit of  
5 ohana and aloha. These retreats help provide for an area's needs  
6 for agricultural food production, education, employment, energy,  
7 recreation, services, supplies, and safety. Educational  
8 retreats exist in remote rural areas on lands of minimum  
9 agricultural value and these retreats can demonstrate  
10 revitalized and augmented traditional sustainable living methods  
11 that promote agricultural production and provide economic as  
12 well as educational benefits to local residents. Retreat  
13 operations can provide essential services in remote areas where  
14 government services and facilities are minimal or inaccessible,  
15 and where economic stimulus is urgently needed due to various  
16 factors (such as soils classified as poor for agricultural use,  
17 coqui frog infestation, and volcanic activity) that minimize  
18 home and land values and have contributed to the rapid



1 population growth and high rates of unemployment and  
2 impoverishment.

3 The legislature further finds that there is a need for  
4 rural educational retreats that:

- 5 (1) Revitalize ahupuaa heritage by employing native and  
6 other supportive personnel, facilities, and programs;
- 7 (2) Use traditional methods and new knowledge in  
8 supporting thriving, healthy, and happy ohana;
- 9 (3) Build soil augmentation and reef conservation efforts  
10 through agriculture, permaculture, aquaculture,  
11 horticulture, organic farming, and native plant-forest  
12 protection and augmentation;
- 13 (4) Support local residents and visitors of varying  
14 abilities and economic means in the research and  
15 experience of sustainable living, including creating  
16 and living in eco-sustainable homes and gardens using  
17 native and renewable materials such as bamboo; and
- 18 (5) Demonstrate ike loa long-range planning for future  
19 generations, supportive of the State of Hawaii 2050  
20 sustainability goals and the strategies outlined in  
21 the federal environmental protection agency's February  
22 2012 publication entitled, "Essential Smart Growth



1 Fixes for Rural Planning, Zoning, and Development  
2 Codes."

3 A community-based kupuna retreat for teaching ecology would  
4 expand awareness and appreciation of the heritage and  
5 environment of Hawaii while also providing a sustainable economy  
6 for rural areas and residents that are most in need of  
7 agricultural food production, education, employment, energy,  
8 recreation, safety, supplies, and services. This Act will allow  
9 and encourage sustainable, educational eco-retreat projects,  
10 funded privately or otherwise, to research new and expand upon  
11 current and native traditional methods of living in harmony with  
12 nature. This Act will also create a doorway through existing  
13 limitations of traditional codes and special use permits to  
14 support the development of more sustainable methods of living,  
15 allowing greater implementation of county and state sustainable  
16 living policies, including the promotion of food and energy  
17 self-sufficiency in manners exemplified by educational retreats  
18 that engage local businesses, vendors, farmers, and fishermen.

19 Educational retreats are inspired by kupuna heritage in  
20 teaching an eco-aware harmony with nature that helps  
21 participants create and achieve their personal best, with love  
22 for life, respect for others, and care for home, local and



1 global. This Act honors kupuna elderly and ancestors who over  
2 the past forty years have helped launch educational retreat  
3 operations on traditional ahupuaa community lands in Hawaii,  
4 including: Kalapana community leaders Kini Pea, Emma Kauhi, G-  
5 Girl Keliihoomalu, Rebecca Pau, Mini Kaawaloa, and Bill Carse,  
6 former University of Hawaii Hilo dean; Loretta and Hillary Koob,  
7 Minnesota farmers who volunteered decades of winter months in  
8 Hawaii supporting sustainable community and agriculture; and  
9 Bill Biglow, a surfer and Maui community college information  
10 technologist who, inspired by the sustainable practices of  
11 indigenous peoples and by legendary demigod Maui's gifts to the  
12 people of Hawaii, creates model eco-housing designed to maximize  
13 air flow, natural light, and open vistas. The support of these  
14 kupuna and others for ohana community living continues in the  
15 teaching of ecology provided by educational retreats, including  
16 the State's largest retreat -- non-profit Kalani Honua. Kalani  
17 Honua has a forty-year history and currently provides fifty  
18 community activities per week on a free or contribution basis;  
19 has one hundred thirty-five people on staff; supports over five  
20 hundred local businesses, craftspeople, vendors, farmers and  
21 fishermen; and provides a \$10,000,000 annual economic boost to



1 one of the State's fastest-growing and most impoverished  
2 districts.

3 The purpose of the Act is to promote educational retreat  
4 properties, programs, and facilities that model the Hawaii 2050  
5 sustainability plan created by the Hawaii 2050 task force  
6 pursuant to Act 8, Special Session Laws of Hawaii 2005, which  
7 are integrated philosophies that express the sustainable future  
8 of Hawaii and include the following principles that reflect a  
9 deeply-held sense of where Hawaii should be headed:

- 10 (1) Living sustainably is part of our daily practice in  
11 Hawaii;
- 12 (2) Our diversified and globally competitive economy  
13 enables us to meaningfully live, work, and play in  
14 Hawaii;
- 15 (3) Our natural resources are responsibly and respectfully  
16 used, replenished, and preserved for future  
17 generations;
- 18 (4) Our community is strong, healthy, vibrant, and  
19 nurturing, and provides safety nets for those in need;  
20 and
- 21 (5) Our kanaka maoli, island cultures, and values are  
22 thriving and perpetuated.



1 SECTION 2. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER

5 KUPUNA RETREAT EDUCATION ACT FOR TEACHING ECOLOGY

6 § -1 Short title. This chapter shall be known and may  
7 be cited as the Kupuna Retreat Education Act for Teaching  
8 Ecology or as the acronym K.R.E.A.T.E.

9 § -2 Definitions. As used in this chapter:

10 "Ecology" means the totality or pattern of relations  
11 between organisms and their environment.

12 "Educational retreat" means a remote rural farm-campus  
13 entity that:

14 (1) Provides instructional programs on ecology and related  
15 topics such as nature, culture, wellness, and  
16 sustainable living experiences in the spirit of ohana  
17 and aloha to resident students, staff, faculty, and  
18 local communities; and

19 (2) Benefits local and on-campus residents and visitors by  
20 providing programs and facilities generally supportive  
21 of agricultural food production, education,



1           employment, energy, the economy, recreation, services,  
2           supplies and safety.

3   The term includes retreats that are modeled after traditional  
4   cooperative communities to exemplify sustainable living  
5   practices, particularly sustainable human ecology.

6           "Educational retreat permit" means a permit issued by the  
7   planning department that designates an area, entity, or project  
8   as a bona fide educational retreat and specifies:

- 9           (1)   The educational programs and facilities, including  
10           student, faculty, and staff accommodations, that can  
11           be created integral to the site by the permittee; and  
12           (2)   The county codes, ordinances, rules, or permits that  
13           are not applicable to the permittee, the site, the  
14           programs, and facilities.

15           "Educational retreat site" means an area that is:

- 16           (1)   Limited to a maximum average resident density of eight  
17           persons, whether students, staff, or faculty, per acre  
18           and a maximum of five hundred habitable acres in size;  
19           (2)   Subject to an educational retreat permit issued by a  
20           planning department; and  
21           (3)   Subject to federal laws and regulations.



1 "Permittee" means a person or entity who holds or qualifies  
2 for a county or state allowance, such as a special use permit,  
3 for an educational retreat operation within a rural area with  
4 soil classified by the land study bureau's detailed land  
5 classification as overall (master) productivity rating class A  
6 or an area identified as "other" rather than "prime" or "unique"  
7 pursuant to the agricultural lands of importance of the State of  
8 Hawaii (ALISH) classification system.

9 "Planning commission" means a county planning commission.

10 "Planning department" means a county planning department.

11 "Sustainable human ecology" means the ecology of human  
12 communities and populations, particularly as it relates to the  
13 preservation of environmental quality (as of air, land, and  
14 water) through proper application of conservation, planning,  
15 permitting, demonstration, education, and implementation  
16 practices.

17 "Sustainable living" means a live-in environment composed  
18 of programs, structures, and systems that inherently produce  
19 utilities, life-support, and continuing education that act to  
20 conserve and augment resources and may include:

- 21 (1) The provision of on-site energy needs via renewable  
22 resources;





- 1           (2) The provision of water needs while minimizing the
- 2                    withdrawals from ground water and surface water
- 3                    systems in accordance with county and state water laws
- 4                    and the rules and policies of county and state
- 5                    engineers;
- 6           (3) The provision of sewage treatment needs with minimal
- 7                    discharge;
- 8           (4) The reuse of materials discarded by modern society;
- 9           (5) The development of organic foods;
- 10           (6) The development of renewable fuel; and
- 11           (7) The development and testing of affordable and
- 12                    sustainable structures.

13           § -3 **Application for educational retreat permit;**  
14 **evaluation.** (a) A person may obtain an educational retreat  
15 permit by submitting an application to the planning department  
16 for the county in which the existing or proposed educational  
17 retreat site is located. The application shall include:

- 18           (1) A detailed description of existing and planned
- 19                    educational retreat programs and facilities;
- 20           (2) A site plan of the educational retreat site;



- 1           (3) The number of guest students, staff, and faculty  
2           inhabitants that occupy or are expected to occupy the  
3           educational retreat site;
- 4           (4) An assessment of the county codes, ordinances, rules,  
5           or permits relating to construction or building  
6           requirements, occupancy, zoning, or subdivisions that  
7           are not practicable for the specific educational  
8           retreat site and that may inhibit existing and  
9           proposed programs and facilities, including  
10          contemporary adaptations of heritage practices and  
11          other sustainable living studies, demonstrations, and  
12          models;
- 13          (5) An application fee, if any, set by the planning  
14          department;
- 15          (6) Other information as may be required by rules adopted  
16          pursuant to section     -6 or by rule of the planning  
17          commission or ordinance of the county;
- 18          (7) Copies of all required state permits, including the  
19          approval of any innovative ecological and sustainable  
20          wastewater treatment and disposal technology on an  
21          experimental basis; and



1           (8) An affidavit indemnifying the county and State from  
2           liabilities relating to any building exemptions.

3           (b) Within ten days of receipt of a completed application,  
4 the planning department shall forward a copy of the application  
5 to the department of health. Upon its receipt of the  
6 application, the department of health shall have thirty days to  
7 submit comments to the planning department regarding the  
8 existing or proposed educational retreat site and to make a  
9 determination as to whether the programs and facilities will  
10 have a detrimental environmental impact on the educational  
11 retreat site or the surrounding area. During the review of the  
12 application, the department of health shall also determine  
13 whether it is appropriate to grant the applicant a waiver of its  
14 rules pertaining to compositing toilets and greywater systems,  
15 including the department's rules pertaining to individual  
16 wastewater systems on agricultural land, and to approve an  
17 applicant's self-designed or innovative system, or other system  
18 that has not yet been approved. The department of health may  
19 grant a waiver if it finds that the proposed system will not  
20 have a detrimental impact upon human health or the environment.

21           § -4 Application review; decision; permit. (a)

22 Following its review of an application submitted pursuant to



1 section -3, the planning department shall render its decision  
2 in writing. The planning department shall issue an educational  
3 retreat permit if:

4 (1) The department of health has determined that the  
5 educational retreat land use, programs, and facilities  
6 will not have a detrimental environmental impact on  
7 the educational retreat site or the surrounding area;

8 (2) No existing county codes, ordinances, rules, or  
9 permits relating to construction or building  
10 requirements, occupancy, zoning, or subdivisions,  
11 other than those identified in the application, will  
12 be violated by the existing or proposed educational  
13 retreat site;

14 (3) The applicant has complied with applicable rules  
15 adopted pursuant to section -6 and chapter 91, if  
16 any; and

17 (4) The existing or proposed educational retreat land use,  
18 programs, and facilities at the education retreat site  
19 may be beneficial to residents and visitors of the  
20 site and surrounding area, and the demonstration and  
21 development of sustainable living.

22 (b) An educational retreat permit shall include:



1 (1) The specific educational retreat programs, provisions,  
2 and facilities that may be included at the educational  
3 retreat site;

4 (2) The maximum number of structures that may be  
5 constructed;

6 (3) The maximum number of individuals that may inhabit or  
7 be employees of the educational retreat site;

8 (4) The specific county codes, ordinances, rules, and  
9 permits relating to construction or building  
10 requirements, occupancy, zoning, or subdivisions  
11 otherwise applicable to the permittee and the  
12 educational retreat site but that do not apply to the  
13 permittee and educational retreat land use, programs,  
14 and facilities conducted pursuant to the permit; and

15 (5) Other restrictions on the educational retreat site and  
16 the permittee's activities as required by rules  
17 adopted pursuant to section -6 or chapter 91, if  
18 any.

19 (c) The educational retreat permit shall be filed and  
20 recorded in the records of the county clerk, and pursuant to  
21 this chapter, all the benefits and burdens of the permit shall  
22 run with the land.



1 (d) If the planning department denies an application for  
2 an educational retreat permit or fails to rule on an application  
3 within ninety days after the application is filed, within thirty  
4 days thereafter the applicant may appeal, to the appropriate  
5 planning commission, the planning department's decision or  
6 failure to rule.

7 § -5 Enforcement of educational retreat permits; amended  
8 permits. (a) The permittee, when conducting educational  
9 retreat operations as specified in the educational retreat  
10 permit, shall comply with all applicable laws and rules except  
11 those county codes, ordinances, rules, or permits specified in  
12 the permit as inapplicable to the permittee and the operations.

13 (b) Nothing in this chapter or the educational retreat  
14 permit shall be deemed to allow the permittee to appropriate or  
15 otherwise use underground or surface water without first  
16 obtaining a water rights permit or approval if otherwise  
17 required pursuant to chapter 174C. New appropriations of water  
18 and water rights transfers shall in no event be exempted from  
19 any state water law or rules.

20 (c) Nothing in this chapter or the educational retreat  
21 permit shall be deemed to allow the permittee to avoid preparing



1 an environment assessment or environmental impact statement  
2 where the statement or assessment is otherwise required by law.

3 (d) Relevant employees and agents of the State or the  
4 county, at all reasonable times, may enter the educational  
5 retreat site for the purpose of inspecting the site and  
6 activities conducted on the site to ensure that conditions  
7 specified in the educational retreat permit are being met.

8 (e) The permittee shall annually submit a report to the  
9 planning department describing the educational retreat  
10 activities conducted during the preceding twelve months and  
11 summarizing the results. All information contained in the  
12 report and all other information learned from activities  
13 pursuant to the educational retreat permit shall be made  
14 available to the public.

15 (f) The planning commission may revoke the educational  
16 retreat permit if it finds, after a public hearing, that the  
17 permittee has substantially violated an educational retreat  
18 permit provision, this chapter, or an applicable rule adopted  
19 pursuant to this chapter or chapter 91, and has failed to  
20 correct the violation within thirty days of receiving  
21 notification of the violation.



1 (g) A permittee may apply to have an educational retreat  
 2 permit amended by submitting a new application pursuant to  
 3 section -3. If the planning department determines that the  
 4 proposed amendment will substantially alter the educational  
 5 retreat or activities conducted at the educational retreat site  
 6 and does not approve those changes, the permittee may appeal to  
 7 the planning commission.

8 § -6 Adoption of rules. A planning department may  
 9 include, as part of the permit issued pursuant to this chapter,  
 10 special rules and conditions that are consistent with the  
 11 purpose and provisions of this chapter and other applicable laws  
 12 and policies. If the applicant is not in agreement with any  
 13 special rules and conditions imposed by the planning department,  
 14 the applicant may appeal to the appropriate planning commission.

15 SECTION 3. No later than , the planning  
 16 department of each county shall adopt rules pursuant to chapter  
 17 91, Hawaii Revised Statutes, regarding the issuance of permits  
 18 pursuant to this Act.

19 SECTION 4. This Act shall take effect upon its approval.

20

INTRODUCED BY:   
 JAN 17 2014



# H.B. NO. 1919

**Report Title:**

Counties; Kupuna Retreat Education Act for Teaching Ecology

**Description:**

Authorizes the use of certain land, subject to county approval and oversight, for educational retreat development, teaching of ecology, the presentation of nature, culture, and wellness programs, and the modeling of sustainable living practices including agriculture and waste and resource management, through planned community use.

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

