

JAN 23 2014

A BILL FOR AN ACT

RELATING TO EDUCATIONAL RETREATS.

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

1 SECTION 1. The legislature finds that there exists
2 educational retreat communities within Hawaii that provide
3 instruction programs relating to nature, culture, wellness, and
4 sustainable living in the spirit of 'ohana and aloha; and that
5 such retreats helps the community by providing agricultural food
6 production, education, employment, energy, recreation, services,
7 supplies, and safety. The legislature recognizes that
8 educational retreats exist in remote rural areas on lands of
9 minimum agricultural value and that such retreats can
10 demonstrate revitalized and augmented traditional sustainable
11 living methods, which further agricultural production and
12 provide economic and educational benefits to local residents.
13 The legislature also finds that retreat operations can provide
14 essential services in remote areas where government services and
15 facilities are minimal or inaccessible. In certain areas,
16 factors such as poor class E soils, coqui frog infestation, and
17 volcano activity minimize home and land values resulting in the



1 State's fastest growing populations and highest rates of
2 unemployment and impoverishment.

3 The result of these findings is the need for rural
4 educational retreats that:

- 5 (1) Revitalize ahupua'a heritage by employing native and
6 other supportive personnel, facilities, and programs;
- 7 (2) Use traditional methods and modern innovation in
8 supporting thriving, healthy, and happy 'ohana;
- 9 (3) Build soil augmentation and reef conservation via
10 agriculture, permaculture, aquaculture, horticulture,
11 organic farming, and native plant-forest protection;
- 12 (4) Support local residents and visitors of varying
13 abilities and economic means to conduct research on,
14 and experience, sustainable living such as living in
15 eco-sustainable homes and gardening using native and
16 renewable materials such as bamboo; and
- 17 (5) Demonstrate 'ike loa long range planning for future
18 generations, supportive of the State of Hawai'i 2050
19 sustainability goals and the Environmental Protection
20 Agency's "Essential Smart Growth Fixes for Rural
21 Planning".



1 A community based Kupuna Retreat Education Act for Teaching
2 Ecology would expand awareness and appreciation of the heritage
3 and environment of Hawaii while also providing a sustainable
4 economy for rural areas and residents most in need of
5 agricultural food production, education, employment, energy,
6 recreation, safety, supplies, and services. This Act will allow
7 and encourage privately or otherwise funded sustainable
8 educational eco-retreat projects within a county to expand upon
9 current and native traditional ways of living in harmony with
10 nature. This Act supports the development of more sustainable
11 methods of living, allowing greater implementation of county and
12 state sustainable living policies, including furthering food and
13 energy self-sufficiency in manners exemplified by educational
14 retreats that engage local businesses, vendors, farmers, and
15 fishers.

16 The purpose of the Act is to expand and further educational
17 retreat properties, programs, and facilities that model the
18 Hawai'i 2050 sustainability plan created by the Hawaii 2050 task
19 force pursuant to Act 8, Special Session Laws of Hawaii 2005,
20 which are integrated philosophies that express the sustainable
21 future of Hawaii. These five principles reflect a deeply-held
22 sense of Hawaii's values and are as follows:



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

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

17 **"CHAPTER**

18 **KUPUNA RETREAT EDUCATION ACT FOR TEACHING ECOLOGY (K.R.E.A.T.E.)**

19 **§ -1 Short title.** This chapter shall be known and may
20 be cited as the Kupuna Retreat Education Act for Teaching
21 Ecology or as the acronym K.R.E.A.T.E. This acronym is relevant
22 because educational retreats are inspired by kupuna heritage in



1 teaching an eco-aware harmony with nature that helps
2 participants create and achieve their personal best with love
3 for life, respect for others, and care for the home, and the
4 local and global communities. This Act honors kupuna who over
5 the past forty years helped launch educational retreat
6 operations on traditional ahupua'a community lands in Hawaii.

7 **§ -2 Definitions.** As used in this chapter:

8 "Educational retreat" means a remote rural farm-campus
9 entity that provides instructional programs relating to nature,
10 culture, wellness, and sustainable living experiences in the
11 spirit of 'ohana and aloha to resident students, staff, faculty,
12 and local communities. Educational retreats benefit local and
13 on-campus residents and visitors by providing programs and
14 facilities generally supportive of agricultural food production,
15 education, employment, energy, the economy, recreation,
16 services, supplies, and safety. Retreats may be modeled after
17 traditional cooperative communities in order to exemplify
18 sustainable living practices, particularly sustainable human
19 ecology.

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



1 (1) The educational programs and facilities, including
2 student, faculty, and staff accommodations, that can
3 be integrated into the site by the permittee; and

4 (2) The county codes, ordinances, rules, or permits that
5 are not applicable to the permittee, site, programs,
6 and facilities.

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

8 (1) Limited to an average resident density of eight
9 students, staff, or faculty per acre and is no more
10 than five hundred habitable acres;

11 (2) Subject to an educational retreat site permit issued
12 by the county planning department; and

13 (3) Subject to federal laws and regulations.

14 "Permittee" means a person or entity who holds or qualifies
15 for an educational retreat permit.

16 "Planning commission" means a county planning commission.

17 "Planning department" means a county planning department.

18 "Sustainable human ecology" means the totality or pattern
19 of relations between humans and their environment, especially as
20 concerned with preservation of environmental quality, including
21 air, land, and water, through proper application of



1 conservation, planning, permitting, demonstration, education,
2 and implementation practices.

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

7 (1) The provision of on-site energy needs via renewable
8 resources;

9 (2) The provision of water needs while minimizing the
10 withdrawals from ground water and surface water
11 systems in accordance with county and state water law
12 and the rules and policies of the county and state
13 engineers;

14 (3) The provision of sewage treatment needs with minimal
15 discharge;

16 (4) The reuse of materials discarded by modern society;

17 (5) The development of organic foods;

18 (6) The development of renewable fuel; and

19 (7) The development and testing of affordable and
20 sustainable structures.

21 **§ -3 Application for educational retreat permit;**

22 **evaluation.** (a) A person desiring an educational retreat



1 permit shall submit an application to the planning department
2 for the county in which the existing or proposed educational
3 retreat site is located. The application shall include:

- 4 (1) A detailed description of existing and planned
5 educational retreat programs and facilities;
- 6 (2) A site plan of the educational retreat site;
- 7 (3) The number of guest students, staff, and faculty that
8 occupy or are expected to occupy the educational
9 retreat site;
- 10 (4) An assessment of the county codes, ordinances, rules,
11 or permits relating to construction, occupancy, or
12 zoning that are not practicable for the specific
13 educational retreat site and that may inhibit existing
14 and proposed programs and facilities, including
15 contemporary adaptations of heritage practices and
16 other sustainable living studies, demonstrations, and
17 models;
- 18 (5) An application fee, if any, set by the planning
19 department;
- 20 (6) Other information as may be required by special
21 conditions imposed pursuant to section -6, rules



1 adopted pursuant to section -7, rules of the
2 planning commission, or ordinance of the county;

3 (7) Copies of all required state permits, including the
4 approval of any innovative ecological and sustainable
5 wastewater treatment and disposal technology on an
6 experimental basis; and

7 (8) An affidavit indemnifying the county and State from
8 liability relating to any building exemptions.

9 (b) Within ten days of receipt of a complete application,
10 the planning department shall forward a copy of the application
11 to the department of health. Upon receipt of the application,
12 the department of health shall have thirty days to submit
13 comments to the planning department regarding the existing or
14 proposed educational retreat site and to make a determination as
15 to whether the programs and facilities will have a detrimental
16 environmental impact on the retreat site or the surrounding
17 area. During the review of the application, the department of
18 health shall also determine whether it is appropriate to grant
19 the applicant a waiver of its regulations pertaining to
20 compositing toilets and greywater systems, including its
21 regulations pertaining to individual wastewater systems on
22 agricultural land; and to approve an applicant's self-designed



1 or innovative systems. The department of health may grant a
2 waiver if it finds that the proposed system will not have a
3 detrimental impact upon human health or environment.

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

5 Following the application review, the planning department shall
6 make its decision in writing. The planning department shall
7 issue an educational retreat permit if:

8 (1) The department of health has determined that the
9 educational retreat will not have a detrimental
10 environmental impact on the educational retreat site
11 or the surrounding area;

12 (2) No existing county codes, ordinances, rules, or
13 permits relating to construction, occupancy, or
14 zoning, other than those identified in the
15 application, will be violated by the existing or
16 proposed educational retreat site;

17 (3) The applicant has complied with any special conditions
18 imposed pursuant to section -6 and any applicable
19 rules adopted pursuant to section -7; and

20 (4) The existing or proposed educational retreat may be
21 beneficial to the area's residents and visitors by



1 demonstrating and developing sustainable living
2 practices.

3 (b) An educational retreat permit shall include:

4 (1) A detailed description of the specific educational
5 retreat programs, provisions, and facilities to be
6 provided;

7 (2) The maximum number of structures that may be
8 constructed on the educational retreat site;

9 (3) The maximum number of individuals that may reside on
10 the educational retreat site;

11 (4) The specific county codes, ordinances, rules, and
12 permits relating to building requirements, occupancy,
13 or zoning otherwise applicable to the educational
14 retreat site but that do not apply to the permittee;
15 and

16 (5) Other restrictions on the educational retreat site and
17 the permittee's activities as may be required by
18 special conditions imposed pursuant to section -6
19 or any rules adopted pursuant to section -7.

20 (c) The permit shall be filed and recorded in the records
21 of the county clerk. All the benefits and burdens of the permit
22 shall 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, the applicant
4 may appeal the planning department's decision or failure to rule
5 to the appropriate planning commission within thirty days.

6 **§ -5 Educational retreat permitted; enforcement.** (a)

7 The permittee, when conducting educational retreat operations as
8 specified in the educational retreat permit, shall comply with
9 all applicable laws, special conditions, and rules except those
10 county codes, ordinances, rules, or permits specified in the
11 permit as inapplicable to the permittee and the operations.

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

19 (c) Nothing in this chapter or the educational retreat
20 permit shall be deemed to allow the permittee to forego an
21 environmental assessment or environmental impact statement where
22 such statement or assessment is otherwise required by law.



1 (d) At reasonable times, relevant employees and agents of
2 the State or the county may enter the educational retreat site
3 for the purpose of inspecting the site and activities conducted
4 on the site to ensure that all applicable laws, rules, and
5 special conditions specified in the educational retreat permit
6 are being met.

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

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

21 (g) A permittee may apply to have an educational retreat
22 permit amended by submitting a new application pursuant to



1 section -3. If the planning department determines that the
2 proposed amendment will substantially alter the educational
3 retreat or activities conducted at the educational retreat site
4 and does not approve those changes, the permittee may appeal to
5 the planning commission.

6 § -6 **Imposition of special conditions on permits.** The
7 planning department may impose special conditions on any permit
8 issued pursuant to this chapter; provided that the conditions
9 are consistent with the purpose and provisions of this chapter
10 and other applicable laws and policies. If the applicant is not
11 in agreement with any special conditions imposed by the planning
12 department, the applicant may appeal to the appropriate planning
13 commission.

14 § -7 **Adoption of rules.** The planning department may
15 adopt rules pursuant to chapter 91 as necessary to carry out the
16 purposes of this chapter."

17 SECTION 3. No later than September 1, 2014, the planning
18 department of each county shall adopt rules pursuant to chapter
19 91, Hawaii Revised Statutes, regarding the issuance of permits
20 pursuant to this Act.

21



S.B. NO. 2944

1 SECTION 4. This Act shall take effect on July 1, 2014.

2

INTRODUCED BY: *Rachel P. [Signature]* BR



S.B. NO. 2944

Report Title:

Kupuna Retreat Education Act for Teaching Ecology; Permit; Land Use

Description:

Authorizes counties to issue permits for educational retreats to benefit local residents and provide various instructional programs, including programs related to nature, culture, wellness, and sustainable living.

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

