

ATTACHMENT C

Clustered Rural Subdivision Guidelines

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CLUSTERED RURAL SUBDIVISION GUIDELINES

1. **Purpose and Intent.** It is the purpose of these guidelines to provide a flexible procedure to identify and preserve open space while maintaining the existing density of residential units for the overall site area. "Neutral density" is achieved by allowing smaller individual owned residential lots that include or are adjacent to aesthetically and ecologically important areas. Individually owned residential lots and the importance of preserving rural open space is as follows:
 - A. Protection of significant ecological, cultural, scenic, recreational, and agricultural areas in perpetuity;
 - B. Prevention of flooding, erosion, and water pollution, and protecting the quality and quantity of drinking water;
 - C. Promoting a more compact form of development.

2. **Applicability.** These guidelines apply to a special type of "Planned Unit Development" (PUD) for North and South Kona for lands outside the Urban Area zoned Agricultural, Intensive Agricultural, Family Agricultural, or Rural-Agricultural. The guidelines supplement the requirements and procedures for PUDs and subdivisions set forth in the Zoning Code, Subdivision Code, and Planning Department Rules.

3. **Review Procedure.** The following procedures specify the role of the Design Center, and integrate the PUD and subdivision review procedures.
 - A. Pre-Application Meeting at the Design Center.
 - i. Submittals. Be prepared to discuss the following 4-step process:
 - a) Step 1: Delineation of Open Space Lands. Prepare an Existing Resources and Site Analysis Map (Exhibit 1), prepared by a licensed surveyor or engineer, that contains at a minimum the following:
 - 1) Base information
 - i. Property boundaries
 - ii. All watercourses and other hydrologic features

- iii. Topographic contours of no less than 10-foot intervals
 - iv. Vegetation characteristics (e.g. Land Cover)
 - v. Existing infrastructure (road, water, sewer, etc.)
 - vi. Existing structures
 - vii. Identification of surrounding zoning, existing land use, and ownership
- 2) Primary Resource Areas. The lands listed below are considered to constitute lands that serve important ecological purposes and possess beneficial environmental qualities contributing to the health of the local community and shall be conserved and protected to the maximum amount and extent physically possible:
- i. The 100-year floodplain and setback buffer as defined in Chapter 27 Floodplain Management, Section 27-18(d)(5) (Ordinance 07-169).
 - ii. Slopes above 35% of at least 5000 square feet contiguous area
 - iii. Populations of endangered or threatened species, or habitat for such species.
 - iv. Important historic sites.
- 3) Secondary Resource Areas. The following lands are considered to have other intrinsic qualities of value to the community to be protected to the maximum extent possible after all identified Primary Resource Areas have been protected (Primary and Secondary Areas collectively are referred to as "Open Space"):
- i. Existing healthy, native forests of at least one contiguous acre.
 - ii. Individual existing healthy trees greater than 14 inches caliper measured at diameter at breast height (dbh)
 - iii. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads

- iv. Prime agricultural lands of at least five acres contiguous area
 - v. Existing trails that connect the tract to neighboring areas
 - vi. Buffer around the perimeter of the tract a minimum of 25' wide designed at a minimum to provide protection against wildfires.
 - b) Step 2: Location of House Sites. Using Exhibit #1 Existing Resources and Site Analysis Map as a base, show preliminary site plan (Exhibit #2). House sites should generally be setback from Primary Resources and Secondary Resources, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences. Exhibits #2-4 do not have to be prepared by a licensed surveyor or engineer.
 - c) Step 3: Alignment of Streets and Trails. Using Exhibit #2 as a base, show proposed street plan designed to provide vehicular access to each house, complying with the minimum standards for road design set forth in these guidelines (see Section 4), and bearing a logical relationship to topographic conditions (Exhibit #3). Impacts of the street plan on proposed Open Space lands shall be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing steep slopes. Street connections shall generally be encouraged to minimize the number of cul-de-sacs and to facilitate access to and from homes in different parts of the tract and adjoining parcels.
 - d) Step 4: Drawing in the Lot Lines. Using Exhibit #4 as a base, show lot lines to delineate the boundaries of individual residential lots.
- ii. Site Inspection. Before or after the pre-application meeting, the staff may request that the applicant arrange for a site inspection of the property by the Planning staff and other County officials. The purpose of the site visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site

design concepts, including the general layout of the designated Open Space lands and potential locations for proposed buildings and street alignments. Comments made by local officials or staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made at the site inspection.

- iii. Meeting Outcomes. As a result of the pre-application meeting, the applicant should have an understanding of the following:
 - a) Whether the Primary and Secondary Resources as shown are complete, accurate, and acceptable;
 - b) Whether the disposition of the Secondary Resources are acceptable;
 - c) Whether the location of the house sites and street layout are acceptable;
 - d) Whether the lot sizes and number of lots are acceptable.

B. Site Plan.

- i. Submittal to the Design Center.
 - a) Site Plan. The applicant shall incorporate any comments from the pre-application meeting, and submit to the Design Center a Site Plan, prepared by a licensed surveyor or engineer. The Site Plan shall be a refinement of Exhibit #4 and meet all the requirements of a Preliminary Plat Map set forth in the Subdivision Code.
 - b) Engineer's Report. Submit a brief report, prepared by a licensed engineer, that discusses the following:
 - 1) Access. Intersection requirements and sight distance for any proposed roads that intersect a County or State road.
 - 2) Water. Proposed water system serving the subdivision (source, storage, transmission, distribution).
 - 3) Wastewater. Proposed wastewater disposal system that meets the minimum requirements set forth in these guidelines.
 - 4) Utilities. Proposed power and communication system. If connecting to grid, confirm adequate capacity. Address whether any existing poles interfere with access or lot layout.
 - 5) Drainage. Estimated stormwater flow generated by the project

and method of handling the flow.

- c) Agency Review. The Design Center shall circulate the Site Plan and Engineers Report to pertinent agencies and receive comments within 30 days.
 - d) Draft legal instrument for open space preservation. Submit an instrument in draft form meeting the requirements in Section 5(a) below.
- C. PUD Report. The Design Center shall prepare a report recommending approval or denial of the PUD application, and set forth any conditions of approval. The report shall reference and attach the Site Plan, Engineer's Report, and draft legal instrument for open space preservation. If recommending approval, the Design Center shall instruct the applicant to prepare a preliminary plat map consistent with the approved Site Plan and meeting the requirements of the Subdivision Code.
- D. Preliminary Subdivision Approval. Upon receipt of the preliminary Site Plan, the Design Center shall transmit the PUD Report and preliminary Site Plan to the proper section of the Planning Department that reviews subdivisions. The Planning Director shall make a decision to issue preliminary subdivision approval within 30 days of receipt of this package from the Design Center. The Design Center staff shall monitor the status of review to ensure timely processing.

4. Standards

- A. Density and Minimum Lot Size Standards. Hawaii Revised Statutes chapter 205 shall govern the minimum lot size. The permitted density shall be calculated based on gross density of the existing zoning.
- B. Open Space Standards. At least 40% of the tract shall be protected as Primary or Secondary Resource Areas. Of this protected area, at least 75% should be a contiguous area, and to the extent possible adjoin protected areas or candidate future protected areas on neighboring property.
- C. Road Standards. The design of private streets within the rural subdivision should seek to:
 - i. Provide an all-weather pervious surface or semi-pervious with a roadway minimum width of 16' and 4' graded shoulder to enable pull-offs.
 - ii. Minimize the number of cul-de-sacs. Where provided, minimize the amount of

impervious surface by limiting the internal turning radius to 35 feet. Use grass and vegetation for the inner circle of turn-arounds, rather than paving the entire area. Declare the Home Owner's Association (HOA) responsible for the maintenance of the grassy area by covenant.

- iii. Provide more than one entrance to the development and interconnect streets.
- iv. Omit curbs wherever appropriate.
- v. As an alternative to curbs and gutters, allow runoff from roofs and pavements to pass immediately through grass swales or infiltration basins. Use plant material that will absorb rainwater and act as a natural filter for oil and pollution.
- vi. Provide marked, pervious paths for non-vehicular traffic within the development and connecting to neighboring residential and commercial areas.

D. Wastewater Disposal Standards. The State Department of Health rules, policies, and standards will govern wastewater disposal. Where onsite septic systems are permitted, a septic system draining into a common leach field is permitted provided that a backup leach field area of comparable size is provided should one leach field fail. The common leach fields may be incorporated into the Secondary Resource Areas.

5. Ownership, Preservation, and Maintenance of Open Space. Open Space land shall be preserved and maintained solely for the purposes as specified.

A. Legal Instrument. The method for effectuating such preservation and maintenance may be one or a combination of the following:

i. Deed of conveyance to a Home Owners Association (HOA). If Open Space is deeded to a HOA, the applicant shall record a declaration of covenants, conditions, and restrictions, which shall include, but not be limited to, all of the following:

a) They shall provide that the HOA will maintain and pay taxes on the Open Space. The HOA shall develop a long-term rural plan for maintenance of common areas. This plan should include examples of environmentally friendly landscaping techniques for homeowners, recommend that at least one member of the HOA receive training in or be conversant in, wildlife habitat rural, enhancement, and maintenance, and assist homeowners

with site-specific information about indigenous habitat and diversity of species.

- b) They shall govern the use of the Open Space and restrict its uses to those consistent with the intent of the Open Space as specified in the development plan.
 - c) They shall run with the land in perpetuity.
 - d) They shall provide for a lien on the assessed property to secure collections of assessments levied by the HOA.
 - e) They shall require mandatory membership in the HOA for all homeowners in the subdivision.
- ii. Deed of conveyance to a government entity, which shall state the restrictions governing the use, improvement, maintenance, and preservation of the Open Space as conditions to the deed of conveyance.
 - iii. Deed of conveyance with restrictive covenant or a permanent conservation easement in favor of a bona fide land trust (or other nonprofit) for conservation purposes and restricting development.
- B. Approval and Recordation. All legal instruments used to permanently protect open areas platted within the subdivision shall be executed by the developer and approved by the County prior to approval of the final plat for the development. Upon approval of the final plan and the legal instruments for permanent protection of the rural areas, the County will record said documents with the Bureau of Conveyances or Land Court, as appropriate. All fees associated with the recordation of plats and legal instruments will be furnished by the developer of the rural subdivision or their agent.