

COUNTY OF HAWAI‘I PLANNING DEPARTMENT RECOMMENDATION REPORT

HAWAII ISLAND COMMUNITY DEVELOPMENT CORPORATION PLANNED UNIT DEVELOPMENT APPLICATION (PL-PUD-2024-000004)

Upon careful review of the request against the guidelines for granting a Planned Unit Development (PUD) permit pursuant to Rule No. 16 of the Planning Commission Rules of Practice and Procedure, the Planning Director is recommending that the **request for a PUD permit to allow exceptions from Chapter 23 (Subdivision Code) Hawai‘i County Code for the development of an affordable housing subdivision consisting of 43 single-family residential lots be approved by the Planning Commission.** Since this recommendation is made without the benefit of public testimony, the Director reserves the right to modify and/or alter this recommendation based upon additional information presented at the public hearing. This favorable recommendation is based on the following findings:

The applicant is requesting a Planning Unit Development (PUD) permit to allow for the following exemptions to the Subdivision Code to facilitate the development of a 43-lot single-family residential subdivision for self-help and turnkey affordable housing:

Exceptions Requested from Subdivision Code (HCC Chapter 23)

- **Minimum Right-of-Way and Pavement Widths (HCC §23-41).** Request that the requirement that cul-de-sac and dead-end streets have a minimum right-of-way width of 50 feet be waived to allow a four-lot subdivision (Project Lot 2) to be served by two dead end streets with 40-foot-wide rights-of-way and a length not to exceed 150 feet with no cul-de-sac or hammerhead turnaround. (See Figure 5. Schematic Site Plan of the PUD application)
 - **Justification:** This exception would allow a smaller and more appropriate access for the limited number of lots served. It would also allow adequate access for fire protection should it be needed. Allowing this and the County accepting dedication of the project roadways would reduce costs and provide for assured maintenance of the access ways.

- **Grades and Curves (HCC §23-50).** Request relief from the requirement for a minor street to have a 300-foot minimum horizontal curve. (See Figure 5. Schematic Site Plan of the PUD application)
 - **Justification:** The allowance of a 200-foot horizontal curve radius (as shown on the site plan for the 50-foot-wide minor street) conforms to guidelines provided in AASHTO standards, which provide for 200-foot horizontal curves at 25 miles per hour. The 200-foot horizontal curve allows the reverse curve road alignment to fit within the site constraints and to create the best lot configuration. Utilizing a 300-foot horizontal curve would reduce the useable depth of the lots between the two cul-de-sacs due to the steep slopes in the rear portion of these lots. The 200-foot horizontal curve is planned just before a stop sign so cars will either be slowing to a stop or traffic turning into the street will be slowly accelerating after turning into the street. Providing a smaller radius curve will discourage speeding and function as a traffic calming measure. This is important in a neighborhood where children will be present.
- **Requirements for Dedicable Streets (HCC §23-86).** Request for relief from the requirement to construct project roadways to County dedicable standards, including the requirement to build the roadway to standards within the Subdivision Code as well as roadway specifications on file with the Department of Public Works (DPW). Specifically, the applicant is requesting relief from required right-of-way width, the installation of curbs, gutters, sidewalks and standard drainage facilities, and relief from requirements on roadway pavement thickness. These include the installation of 6-inch base course of four inches of compacted crusher run base with filler and two inches of asphalt concrete without the installation of a 6-inch sub-base material. (See Figure 6. Roadway Sections of the PUD application).
 - **Justification:** The proposed road section with 2-inches of asphalt, which was the county standard until recently, will substantially reduce costs as compared with 3-inches of asphalt. Eliminating the crushed rock sub-base should also reduce costs while allowing the road section to perform satisfactorily

according to a Geotechnical Study conducted for the project by Kokua Geotech LLC in June 2024 submitted with the application.

- **Requirements for sidewalks (HCC §23-89).** Request relief from the requirements for sidewalks for project roadway, Instead, the applicant proposes to the installation of paved swales and shoulder equal to the right-of-way width to provide pedestrian access. (See highlighted sections of Figure 6. Roadway Sections and Figure 6a. R-18 Standard Details of the PUD)
 - **Justification:** Utilizing the 10-foot-wide swales plus the 5-foot-wide shoulders as pedestrian paths will reduce costs as compared to providing curbs, gutters and sidewalks. Also, if a curb, gutter and sidewalk section is used, seepage pits would not be possible given the county standard detail for intake structures above the drywells where curbs and gutters are present. This would necessitate use of deep drywells which would conflict with the State Department of Health (DOH) prohibition of injection wells within one-quarter mile of a water well.
- **Curbs and Gutters (HCC §23-91).** Request to have the Planning Director determine that the construction of curbs and gutters are not necessary for roadways within the project area.
 - **Justification:** Instead of curbs and gutters, the applicant proposes to provide paved swales and shoulders consistent with details depicted in Figure 6. Roadway Sections and Figure 6a. R-18 Standard Details of the PUD application. Paved swales and shoulders would result in substantially less cost for the eventual buyer of the lots as compared to curbs, gutters and sidewalks and would provide the same level of drainage capacity.
- **Drainage, Flood, and Erosion Mitigation Measures (HCC §23-92).** Request to allow the use of seepage pits in lieu of drywells for stormwater disposal. Under this request, drainage would be handled by swales that feed into seepage pits throughout the project area rather than standard drywells. (See Figure 7. Seepage Pit Details of the PUD application)
 - **Justification:** Due to the proposed 43-lot subdivision's proximity to proposed

water wells slated for development by a third party, standard drywells would not be permitted by State Department of Health (DOH) Underground Injection Control (UIC) requirements which state, *“Any new injection well, other than subclass D injection wells, shall be sited beyond an area which extends at least one-quarter mile from any part of a drinking water source.”* Should drywells be initially installed then followed by the development of the water wells, the drywells would have to be modified and additional seepage pits installed. This process would be expensive and reduce the overall affordability of the proposed project; thus, it would be prudent to proactively plan for the impact of the water well development now by installing the required drainage using seepage pits rather than drywells.

The applicant proposes to develop a 43-lot, 100% affordable, single-family residential subdivision, with a minimum of 10,000 square foot lots on 14.321 acres of land. The proposed project will occur on two, non-contiguous areas as follows: 1) a 13.005-acre section that will support 39 lots (hereinafter ‘Project Lot 1’); and 2) a 1.316-acre section that will support 4 lots (hereinafter ‘Project Lot 2’).

The requested PUD exceptions would allow project roadways within Project Lot 1 to be developed with paved shoulders, swales, and driving lanes equal to the width of the right-of-way of 50 feet and 66 feet respectively with no curbs, gutters and sidewalks provided. Please note, the original application included cross sections for proposed 40-, 50-, and 60-foot-wide roadway improvements, however, the applicant subsequently updated planned roadway design for the proposed 50- and 66-foot-wide roadways to meet DPW roadway requirements outlined in Sheet R-18. Street Cross-sections without Sidewalk of the DPW standard details manual (See highlighted section of Figure 6a. R-18 Roadway Sections of the PUD application). Despite the preceding, the modified sub-pavement and pavement treatment will be the same for all roadways.

For Project Lot 2, access would be provided by a 40-foot-wide right-of-way with each leg being no longer than 150 feet. This would be sufficient for a fire truck to reverse and exist the site if they are called on in the event of a fire.

Drainage would be handled by swales that feed into seepage pits through the project area rather than standard drywells. It should be noted that standard drywells would not be permitted by State Department of Health UIC requirements should the planned water wells be developed. Should drywells be initially installed then followed by the development of the water wells the drywells would have to be modified and additional seepage pits installed. Given that it would be prudent to plan for the impact of the well development now by handling the required drainage using seepage pits.

Internal roadways and drainage systems will be built to non-dedicable standards, and the applicant proposes to dedicate these roadways and drainage systems to the County once constructed.

Despite the preceding, DPW recommends that the applicant provide improvements to project street frontages, including but not limited to concrete sidewalks, drainage improvements, and any required utility relocation, meeting with the requirements of the Americans with Disabilities Act. Thus, while DPW supports some of the deviations from the subdivision code requested in the PUD application (grades and curves, alternative pavement design/thickness, and shallow drainage facilities), they do not support relief from minimum right-of-way and pavement widths and relief from the requirements of curbs, gutters, and sidewalks. If these exceptions are granted, DPW is not willing to accept dedication of the roadways as they would not meet dedicable roadway standards.

The requested PUD, along with concurrent SLU District Boundary Amendment and change of zone request are necessary to facilitate the 43-lot subdivision that will provide building sites for the HICDC self-help and turnkey housing program for low to moderate income households all of which will be in the County of Hawai'i's affordable housing guidelines. HICDC's intent is to provide as many self-help homes as possible given federal funding limitations. Turnkey homes would be suitable for households unable to provide the required self-help labor or due to their incomes being above 80% of the area median income which is the upper limit for the self-help program. Turnkey homes will be sold at prices affordable to households up to 140% of the area median income.

According to the applicant, the purpose for the requested PUD permit is to allow the development of an affordable single-family residential subdivision on a sloping undulating site while seeking to preserving the basic landforms, moderate grading, and minimizing certain development costs where possible. The planned development sites residential uses on gently sloping portions of the larger site and leaving undeveloped the steeper slopes that intervene. A result of this approach is the need for longer and more costly access roads which traverse the steeper portions of the site. These site factors and the desire to fit into the landscape work toward increasing costs. To achieve the desired affordability other design approaches are proposed to reduce costs that do not affect the functionality of the project.

The purpose of a PUD is to encourage comprehensive site planning that is compatible with the surrounding community and that adapts the design of development to the land, by allowing diversification in the relationships of various uses, buildings, structures, open spaces, and yards, building heights, and lot sizes in planned building groups, while still ensuring that the intent of the Zoning Code is observed.

The criteria for granting a PUD permit are found in Rule 16-9 in the Planning Commission Rules of Practice and Procedure and are discussed, as applicable, in further detail below:

The construction of the project can begin and be completed within a reasonable period of time from the date of approval. According to the applicant, should the proposed entitlements be approved in 2024, the applicant will promptly file the subdivision application with the Planning Department. Anticipated completion of the subdivision is expected within 5 years from the date of approval of the PUD permit and accompanying change of zone, or by the end of 2029. The Planning Director believes that this timeframe is reasonable and will be added as a condition of approval.

According to the Zoning Code, the effective date of any PUD permit approved by the Planning Commission with a concurrent change of zone application shall be the effective only when the change of zone ordinance becomes effective. The preceding shall be added as a condition of approval.

The proposed development substantially conforms to the General Plan, any adopted community development plan or adopted master plan and, if applicable, any adopted design guidelines and/ or standards affecting the project area. The General Plan is intended to be used as a policy guide for the coordinated growth and development of all sectors of the County. It sets forth goals, policies, standards, and courses of action to accommodate growth without congestion, to designate and preserve the lands needed for residential use, commercial and visitor services, industry, agriculture, and open space, and to coordinate these uses with the County's service and circulation systems. The overall goals, policies and standards are set forth to physically plan the lands in the County in the best interest of the island's residents. Land use is one of the principal focal points of public concern and policy. The Land Use Element provides the primary basis for direct control and guidance of publicly and privately-owned resources. The proposed change of zone will be consistent with the following goals, policies, and standard of the Land Use-Single-Family Residential and Housing Elements of the General Plan:

- *Designate and allocate land uses in appropriate proportions and mix and in keeping with the social, cultural, and physical environments of the County.*
- *Zoning request shall be reviewed with respect to General Plan designation, district goals, regional plans, State Land Use District, compatibility with adjacent zoned uses, availability of public services and utilities, access, and public need.*
- *Designate and allocate single-family residential zoned lands at varying densities for future use in accordance with the needs of the communities and the stated goals, policies, and standards.*
- *Seek sufficient production of new affordable rental and fee-simple housing in the County in a variety of sizes to satisfactorily accommodate the needs and desires of families and individuals.*
- *Encourage corporations and nonprofit organizations to participate in Federal, State and private programs to provide new and rehabilitated housing for low and moderate income families.*
- *Encourage more innovative types of housing developments, such as cluster and planned unit developments.*

The Land Use Pattern Allocation Guide (LUPAG) Map component of the General Plan is a representation of the document's goals and policies to guide the coordinated growth and development of the County. It reflects a graphic depiction of the physical relationship among the various land uses. The LUPAG Map establishes the basic urban and non-urban form for areas within the County. The LUPAG map designates the subject property and project area as Rural (rur). The Rural designation includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from 9,000-square feet to two acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities. The Rural designation does not necessarily mean that these areas should be further subdivided to smaller lots. Most lack the infrastructure necessary to allow further subdivision.

While the proposed reclassification to State Land Use Urban does not strictly align with this LUPAG Rural designation, it will facilitate the development of an affordable housing development that meets and extreme need and supports goals and policies of the GP and SKCDP related to increasing affordable housing.

The South Kohala Community Development Plan (SKCDP) was adopted by the Hawai'i County Council by Ordinance in 2008. The subject property is not situated within any town or community plan area and has no special designations in the SKCDP. That said, the proposed development complies with several SKCDP goals, policies, and actions related to the provision of affordable housing, including:

- *Provide affordable and workforce housing resources for low-and-moderate income individuals, families, and those residents of South Kohala with special needs.*
- *The South Kohala Community shall organize one or more community-based, non-profit entities that can partner with the County Office of Housing and Community Development and with other non-profit organizations and for-profit contractors*

and developers to provide affordable housing units.

- *The County shall provide more opportunities for low-income housing and transitional shelters.*
- *Construct more Self-help Housing. While this action plan is specific to affordable housing needs in Waimea, the provision of more self-help housing is needed all over the district. Policies and Actions*

Based on the preceding, the approval of the reclassification of the project area to Urban, which would facilitate the development of the proposed affordable housing project is consistent with the SKCDP.

The subject, 237.5-acre parcel is irregularly shaped with an undulating terrain, gently sloping from north to south. The property is vacant of any structures or improvements. The 14.321-acre project area consists of two non-contiguous areas of 13.005 acres and 1.316 acres respectively situated near Waiula Drive. These areas were selected to take advantage of relatively flat terrain for ease of subdivision development.

Properties to north, across Kawaihae Road consists of the Waimea Landmark Estates Subdivision zoned Agricultural-3 Acres (A-3a). Properties to the east consist of the Kanehoa and Anekona Estates subdivisions, with lands zoned Agricultural-5 Acres (A-5a) and Residential and Agricultural-2 acres (RA-2a). Directly to the south is a large, State-owned parcel of land zoned Agricultural-5 Acres (A-5a) and to the west is a vacant parcel, also owned by the applicant and similarly zoned Agricultural-1 Acre (A-1a).

It should be noted that immediately to the east of the proposed project area are two affordable housing developments, the Ouli Cottages project, consisting of 33 multiple-family, rental housing units built in 1995 and the Ouli Self Help Housing project, consisting of 40 lots developed between 1999 and 2004. These properties are on lands that were reclassified from Agricultural to an Urban in 1994 and received relief from Hawai'i County zoning requirements in 1994 from the County Council as part of a HRS 201E affordable housing program (which is now called the HRS 201H program), thus, they are still zoned Agricultural-1 Acre (A-1a). The proposed PUD design is consistent with these urban, affordable housing residential nodes and aims to provide similar characteristics to the Ouli Self-Help subdivision.

Additionally, this rezone, along with an approved PUD, will allow the applicant to defray infrastructure costs associated with typical subdivision requirements in order to ensure that 100% of the proposed lots would be offered at affordable rates to prospective buyers. This will be done through an affordable housing agreement between the applicant and the County Office of Housing and Community Development pursuant to Chapter 11 of the Hawai'i County Code, that will be executed prior to receipt of Final Subdivision Approval for any portion of the project.

Based on the preceding, the proposed PUD request conforms to the goals, policies and standards of the General Plan and the Hāmākua Community Development Plan (CDP).

Any residential or agricultural development shall constitute an environment of sustained desirability and stability for the district that is in harmony with the character of the surrounding area, that results in an intensity of land use no higher than that otherwise specified for the district, and that maintains the standards of open space at least as high as that otherwise specified for the district in which the development occurs.

The subdivision layout and roadway design proposed in the PUD are consistent with the character of the nearby, 40-lot Ouli Self-Help subdivision discussed above. This subdivision consists of single-family residential lots ranging in size from 10,000 to almost 18,000 square feet along local roadways not built to Subdivision Code standards.

As discussed in the applicant's Subdivision Code exception justification statements above, the proposed roadway and drainage exceptions will maximize the number of affordable lots than can be created in relatively flat areas of the subject property while holding down infrastructure costs to further enhance affordability.

Finally, the proposed RS-10 zoning in the concurrent change of zone request would allow a mathematical density of 62 lots within the project area, thus the proposed 43-lot subdivision would not result in an intensity of land use higher than that otherwise specified for the district

The development of a harmonious, integrated whole justifies exceptions, if required, to the normal requirements of Chapter 23 Hawai'i County Code 1983

(2016 Edition, as amended), and the contemplated arrangements or use make it desirable to apply regulations and requirements differing from those ordinarily applicable under the district regulations.

There is a severe shortage of housing in the County of Hawai‘i. According to the Hawai‘i Housing Finance Corporation, Hawai‘i County has a need for 13,542 housing units to account for population growth. Moreover, the need for affordable housing is equally as urgent. The requested exceptions from the Subdivision Code will help significantly defray infrastructure costs related to developing housing on the proposed PUD lots through the applicant’s self-help and turnkey affordable housing program.

Additionally, given the topographical and physical constraints of the larger parcel upon which the project site is located, all the requested exceptions were carefully considered to enhance lot design and maximize the property’s features to be complementary to existing surrounding land uses, including the similarly designed, 40-lot, self-help residential subdivision in the immediate vicinity.

Finally, based on consultation with the Planning Department’s Administrative Permits Division (the division that previously processed PUD applications), the Director is comfortable recommending approval of the entire slate of exceptions, as there were no significant concerns with what was proposed. It should be noted that the 43-lot subdivision will still be required to go through a formal subdivision process and will be subject to all other requirements of the Zoning and Subdivision codes, less the exceptions requested here. Finally, while the applicant did not request it, the Planning Director also recommends that the Planning Commission grant an exception to HCC §23-95. Right-of-way improvement, which requires a subdivider to improve the entire street right-of-way to standard specifications on file at the Department of Public Works. As the proposed 40-foot-wide roadway will not meet DPW standard specifications, an exception to this section of code will also be necessary to develop the proposed subdivision.

The request will not have a significant adverse impact to traditional and customary Hawaiian Rights. In view of the Hawai‘i State Supreme Court’s “PASH” and “Ka Pa‘akai O Ka‘Aina” decisions, the issue relative to native Hawaiian gathering

and fishing rights must be addressed in terms of the cultural, historical, and natural resources and the associated traditional and customary practices of the site.

Investigation of valued resources: An Archaeological Inventory Survey (AIS) entitled, “*Archaeological Inventory Survey of TMK: (3) 6-2-001: 075 portion, Ouli Ahupua’a, South Kohala District, Island of Hawai‘i*” was produced by Ogden Environmental and Energy Services, Co., Inc. in 1990, revised in 1993 and approved by SHPD in 1994. The AIS was originally created for the evaluation of the Waikoloa Maneuver Area, a 91,000-acre area used for military training exercises during World War II, which includes the proposed project area.

Additionally, the applicant submitted a Cultural Impact Assessment (CIA) entitled, “Cultural Impact Assessment TMK: (3) 6-2-001: 075 portion, ‘Ōuli Ahupua’a, South Kohala District, Island of Hawai‘i” prepared by Kulaiwi Archeology, LLC and dated July 2024. This CIA covered the proposed project area.

Finally, the applicant submitted a professional floral/faunal survey entitled, “Biological Survey of the Ouli Lands, TMKs 6-2-1: 74 and 75 South Kohala District, Island of Hawai‘i” prepared by Geometrician Associated LLC in August 2023. This study covered 257.338 acres of land, including the proposed project area.

The valued cultural, historical, and natural resources found in the project area: The AIS identified 75 sites in the 91,000-acre study area, including sites related to military training, ranching, historic period use, and traditional Hawaiian use. Nine (9) of these sites were recommended for further work, including 2 historic sites and a burial site located approximately ½ mile away from the project area. A preservation plan and a burial treatment plan for the sites were approved by the State Historic Preservation Division in 2001 and 2003 respectively. There were no historic sites identified within the project area.

The CIA found that traditional Hawaiian activities in the area were primarily shoreline-based and seasonal, upland areas served as transit zones, with trails historically maintained by local families for access to coastal resources. The area, known as a dry and arid land (‘Āina kaha), was later influenced by the sandalwood trade and, more substantially, by 19th-century ranching activities connected to Parker Ranch, as well as

World War II military training in the Waikoloa Maneuver Area. Despite these historical activities, the CIA identified no significant cultural practices or traditional resources directly within the project's Area of Potential Effect (APE). It concluded that the proposed development would not interfere with known cultural resources, as the land itself had no direct ties to ongoing Hawaiian practices, though standard protocols would apply if any cultural resources were inadvertently discovered during construction.

Finally, the Biological Study found that the area is dominated by non-native plant species and that no rare, threatened, or endangered plant species were identified during the survey as the habitat is considered unsuitable for such species. The presence of invasive species like tree tobacco, which supports the endangered Blackburn's sphinx moth, requires careful management to prevent its spread.

Faunal resources included 14 bird species, most of which were non-native, except for a single pueo (Hawaiian short-eared owl) sighting. Feral mammals such as cats, goats, and cattle were observed, all of which are detrimental to the native ecosystem. Although the endangered Hawaiian hoary bat may use the area for seasonal foraging and roosting, no sightings were confirmed during the survey. Invertebrate species like the endangered, yellow-faced bee are unlikely to inhabit the property due to insufficient habitat conditions.

Possible adverse effect or impairment of valued resources: As there are no archaeological, historical or cultural resources identified within the proposed project area, no such resources are anticipated to be adversely affected or impaired.

While there were no federally listed or endangered species identified within the project area, Hawaiian sea birds and the Hawaiian Hoary Bat have the potential to transit the area thus proposed development has the potential to impact these species. Finally, the presence of the tree tobacco plant on the property can serve to attract the endangered Blackburn's sphinx moth.

Feasible actions to protect native Hawaiian rights: As stated above, there were no identified native Hawaiian rights being exercised within the project area. Thus, to the extent to which traditional and customary native Hawaiian rights are exercised, the

proposed action will not affect traditional Hawaiian rights; therefore, no action is necessary to protect these rights.

However, a condition of approval will be added to the concurrent change of zone to address and protect inadvertent finds should any remains of historic sites, such as rock walls, terraces, platforms, marine shell concentrations or human burials be encountered.

Finally, a condition will be added to concurrent change of zone to mitigate impacts on potential listed or endangered species that may transit or be attracted to the project area.

Lastly, this approval is made with the understanding that the applicant remains responsible for complying with all other applicable governmental requirements in connection with the approved use, prior to its commencement or establishment upon the subject property. Additional governmental requirements may include the issuance of building permits, the installation of approved wastewater disposal systems, compliance with the Fire Code, installation of improvements required by the American with Disabilities Act (ADA), compliance with DLNR-SHPD requirements, among many others. Compliance with all applicable governmental requirements is a condition of this approval; failure to comply with such requirements will be considered a violation that may result in enforcement action by the Planning Department and/or the affected agencies.

Based on the preceding findings, it is recommended that the request for a PUD permit (including all the requested exceptions to Subdivision Code) be approved by the Planning Commission. Approval of this request is subject to the following conditions:

1. The applicant(s), its successor(s), or assign(s) ("Applicant") shall be responsible for complying with all of the stated conditions of approval.
2. The effective date of this Planned Unit Development (PUD) permit shall be the effective date of the approved ordinances generated by the concurrent State Land Use District Boundary Amendment request (PL-SLU-2024-000011) and change of zone request (PL-REZ-2024-000066).

3. The Applicant shall comply with all conditions of the approved ordinance generated by the concurrent State Land Use District Boundary Amendment request (PL-SLU-2024-000011) and change of zone request (PL-REZ-2024-000066).
4. The proposed PUD shall be developed in a manner that is substantially representative of the plans and details contained within the PUD application, any supplemental material, and representations made before the Leeward Planning Commission.
5. All building heights shall comply with the requirement of the Single-Family Residential zoning district.
6. The Applicant shall consult with the Hawai'i County Fire Department (HFD) to ensure conformance of roads, water, and turn-around areas for emergency and firefighting purposes within the PUD site to meet the minimum requirements of the Fire Code. Besides the Department of Public Works and Department of Water Supply, construction plans shall also be submitted to the HFD for review and approval.
7. Should PUD roadways and drainage facilities not be dedicated to the County, restrictive covenants in the deeds of all proposed lots fronting the private roadways shall require the homeowners of said lots to maintain the private roadways and drainage improvements. A copy of the recorded deed restrictions shall be provided to the Planning Department.
8. An annual progress report shall be submitted to the Planning Director prior to the anniversary date of the effective date of this permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied and the Planning Director acknowledges that further reports are not required.
9. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director shall initiate procedures to revoke this PUD permit.