

KAHANA RIDGE

Kahana Ridge Association, Inc.

Declaration of Covenants, Conditions, and Restrictions

Section 4.08 Design Standards The Design Standards hereto attached as Exhibit C are hereby adopted by the Declarant as the Design Standards for Kahana Ridge.

EXHIBIT C **DESIGN STANDARDS**

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(Includes all new amendments)

The following design standards are hereby established and adopted for Kahana Ridge and any other property which may be annexed under this declaration.

Except as otherwise specifically provided herein, the terms used in these Standards shall have the meanings given to them in the Declaration. The term "lot" is the same as "Property" as used in the Declaration. The term "Developer" means the "Declarant" as defined in the Declaration. The term "Improvement" includes any "structure" as defined in Section 4.02 of the Declaration and also shall include any landscaping and grading necessary or appurtenant to the placement or construction of any structure. The term "Committee" means the Architectural Design Committee. The term "Plat" means collectively the plan attached to this Declaration as Exhibit B and the File Plans described in Exhibit A.

The use of each Lot and the rights of each Owner shall be subject to these Standards and the Declaration to which they are attached.

A. GENERAL PROVISIONS

1. Architectural Design Committee Approval Required. Except as otherwise provided in the Declaration, no Improvements may be constructed or installed nor may any existing Improvement be externally remodeled, changed in color or otherwise visually altered on any lot, except in accordance with plans, specifications and other materials (the "Plans") submitted to and approved by the Architectural Design Committee and in accordance with the Declaration.

2. Public Regulations. Each Lot Owner is responsible for being informed of and complying with all appropriate federal state and county laws, rules, regulations, codes and ordinances which are applicable to his property. If a Standard set forth herein differs from standards established by the various regulating agencies, the stricter standard shall apply. Nothing herein shall be deemed to suggest or imply that any activity permitted by the terms and conditions of these Design Standards and the Declaration necessarily complies with or is permitted by such laws, rules, regulations, codes and ordinances.

3. Land Use and Building Type. All Owners of Lots shall comply with the provisions of the Declaration. No Improvement shall be erected, altered, placed or permitted to remain on any Lot other than those Buildings and Structures permitted under Article 3 of the Declaration.

4. Variances. The Architectural Design Committee may grant variances from time to time to these standards as to anyone or more individual Lots, as provided in Section 4.06 of the Declaration. The approval or disapproval of any Plans by the Architectural Design Committee in anyone case shall not be deemed a waiver by the Architectural Design Committee of its right to approve, disapprove, object to or consent to any of the features or elements embodied therein when the same features or elements are embodied in Plans submitted in any other cases.

5. Construction Operation Hours. Hours of construction operations shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday.

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B. SITE IMPROVEMENT STANDARDS

1. Utilities. Except as otherwise provided in the Declaration, all utilities within a Lot shall be placed underground.

(a) Water. Upon construction of a Single Family Dwelling on his Lot, the Lot Owner shall connect the water lines serving his Dwelling to the central water distribution system established by the Developer.

(b) Sewage Disposal. Upon construction of a Single Family Dwelling on his Lot, the Lot Owner shall connect to the central sewage disposal system established by the Developer.

(c) Gas. Propane or natural gas service is not permitted (except for standard propane tanks attached to an outdoor barbeque grill).

(d) Communications. Exterior satellite dishes, television and radio antennae/towers are prohibited unless such apparatus is completely enclosed within the dwelling or garage and not visible from the streets and other Lots.

(e) Electricity. Upon construction of a single Family Dwelling on his Lot, the Lot Owner shall connect the electrical lines serving the Lot and Single Family Dwelling to the power distribution system owned and operated by Maui Electric Co., Ltd.

2. Drainage. The flow of surface and/or subsurface drainage onto, across, or from each Lot shall not be unreasonably obstructed, or transferred outside of its natural drainage course (or such drainage facilities established by the Developer). Such runoff shall be dispersed or channeled by surface swales or other facilities in such a manner as to prevent erosion and damage to property. No Owner shall construct or permit to be constructed on any Lot, any structure which will create a problem of flooding, erosion, or interference with natural flow of storm waters.

Each Owner shall provide for the installation of such culverts and drainage facilities upon his Lot as required by the Architectural Design Committee. Each Owner shall keep all such drainage facilities and culverts so installed on his Lot free and unobstructed and in good repair.

3. Required Setbacks. The required front, rear, and side yard setbacks shall be that distance from respective boundaries of each Lot which is required by applicable zoning laws. No structures will be built within any area designated on the Plat for use as landscaping or drainage easement.

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4. Site Grading. Grading and finished elevations shall respect the existing contours of the site. Cut or fill banks with slopes greater than 1 vertical foot to 2 horizontal feet shall not be permitted.

Cuts or fills of greater than 5 feet in length shall require a plan prepared by a contractor or engineer licensed to practice in the State of Hawaii. The Lot Owner shall present sound reasoning to justify such work.

All excess vegetation, soil and debris resulting from clearing, grubbing and excavation of a Lot must be removed from the Lot prior to completion of the Improvements. Exceptions will be made by the Architectural Design Committee if excavated material is used for fill elsewhere on the Lot. To the extent reasonably possible, excavation on a Lot shall not affect any' adjacent Lot. Each Owner shall control dust during the grading process and throughout the subsequent landscaping grow-in period to minimize annoyance which may be caused to other Lot Owners.

Each Lot Owner shall obtain a grading permit, if required by County ordinance, or regulation, from the County of Maui and shall submit a copy thereof to the Architectural Design Committee prior to commencing any site Improvements. In order to preserve a natural appearance, grading should be limited to the building and landscaped areas. All land not landscaped or built on within 6 months after completion of grading shall be returned to its original state, as determined by the Architectural Design Committee. "Completion of grading" shall be determined by the Architectural Design Committee in its sole discretion.

C. ARCHITECTURAL AND BUILDING STANDARDS

1. Dwelling Minimum Size Requirements. Each Single family dwelling erected on a Lot shall have a total floor area of not less than 1,380 square feet for a one story home and 1,500 square feet for a two story or split level home, exclusive of lanais, porches, patios, garages, exterior stairways and landings, and accessory buildings.

2. Building Height. No structure may be erected the height of which exceeds either: (a) thirty (30 feet measured vertically from the elevation of the top of the structure or improvement to the lowest point of contact with the finished grade within the buildable site area; OR (b) eighteen (18) feet measured vertically from the elevation of the top of the structure or improvement to the highest elevation of the existing grade within the buildable site area. The building site area is defined by the required County of Maui lot line setbacks. The vertical measurements determine the Maximum Height of structures and improvements within the Buildable Area as set forth on Diagram A attached hereto. No structure or improvement (excluding chimneys) may exceed said Maximum Height. Notwithstanding said Maximum Height restrictions, no structure or improvement shall have more than two (2) stories or floors, including basements.

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Provided further, that notwithstanding compliance with the foregoing height restrictions, the Architectural Design Committee shall have the power in its discretion to make the final determination on the height compliance of any structure or improvement, or deny approval of any structure or improvement on a Lot which substantially impairs views from adjoining Lots.

Open areas under structures must be enclosed to give the appearance that the structure grows out of the site. Buildings appearing to perch on the slope when the under floor area is left open are not permitted.

The "existing grade" is the topography of the Lot as of the date the Deed is granted from the Declarant to the original owner. The "finished grade" is the final building grade of the Lot resulting from grading, fill or excavation as approved by the Architectural Design Committee.

3. Plans. See Section D of these Standards for required items to be submitted for-review and approval by the Architectural Design Committee prior to the construction, alteration, landscaping or grading or any Improvement on a Lot.

4. Labor and Materials. All construction work shall be performed, executed and completed by a general contractor licensed to practice in the State of Hawaii.

The materials used for structures shall be new and of a quality consistent with that used in good quality construction. All building materials shall be installed in a neat and workmanlike manner, consistent with generally accepted construction practices. No used buildings shall be placed on any Lot, no shall any used lumber or materials be a part of the construction of any Improvement. Notwithstanding the generality of the foregoing, however, antique or aged materials may be used in the construction of Improvements to achieve a desired aesthetic effect with the approval of the Architectural Design Committee (e.g., used brick, railroad ties, barn wood).

5. Fences and Walls. Privacy fences and walls shall not exceed six (6) feet in height and retaining walls shall not exceed six (6) feet in height measured from finished grade; provided that any fence or wall within six (6) feet of each street frontage property line may not exceed four (4) feet six (6) inches in height from finished grade.

All walls and fences shall be constructed of (a) concrete or hollow tile, each stucco finished; (b) blue rock or gray rock; or (c) finished wood. The use of wrought iron, steel, or anodized steel shall be in a black finish only, and is only permitted when used in conjunction with other approved fence material. The use of lava rock is discouraged. No wall or fence shall be constructed of unfinished hollow tile, chicken wire, chain link or unfinished wood; provided, however, that Developer shall have the right to erect chain link fencing along certain boundaries of Kahana Ridge.

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6. Exterior Walls of Structures. All exterior surfaces of all structures, excluding glass windows, shall be stucco, or stucco-like material, finished wood, concrete, or blue or gray rock. Use of lava rock is discouraged. Wood materials selected should be resistant to tropical marine climate, and wood and concrete surfaces must be painted, stained, or finished in stucco, using high quality material. High quality composition wood, vinyl, imitation or artificial material must be submitted to the Architectural Design Committee for review. The Architectural Design Committee at its sole discretion may approve or reject the material. No unfinished concrete, concrete block, or hollow tile shall be permitted.

All siding material must be equivalent to Hardi Plank Lap Siding or higher quality; and T-111 siding is not permitted.

7. Exterior Color. All exterior surfaces of all Improvements shall be in neutral or earth tone shades, which are in harmony with the natural setting of the structure and other structures in the Neighborhood. The color scheme of all exterior elements of all Improvements on the Lot, including but not limited to accessory enclosures and structures, porches, lanais, covered walkways, exposed foundations, solar heating panels, signs, entry features, gates, and louvres shall be complimentary with each other and must be approved by the Architectural Design Committee.

8. Roofs. All roofs shall be approved by the Architectural Design Committee. Hip, "Double" Hip, and "Dutch" Hip roofs are recommended. Mansard, Gable, Shed, and flat roof designs are prohibited.

The roof pitch must be between four (4) in twelve (12), and eight (8) in twelve (12). Low pitched roofs with large overhangs are recommended.

It is recommended that the roof materials be concrete or clay tiles in earth tone color that compliment the surrounding hillsides and terrain. Gravel, rock, metal, asphalt, and glossy or reflective roof materials are prohibited.

Other types of roof materials (such as wood shakes, fiberglass and composition) will be permitted, if approved by the Architectural Design Committee. All roofing materials must be equivalent to the Celotex Presidential 40 year roof or higher quality.

Solar energy panels shall be allowed after Architectural Design Committee review and according to Hawaii Revised Statute **§196-7 Placement of solar energy devices** within (b) *[Subsection effective until June 30, 2015 and (b) [Subsection effective July 1, 2015 and both effective July 1, 2011 without assessments or fees.*

9. Chimneys. Chimneys are permitted but shall be subject to the review of the Architectural Design Committee in regard to height, material, color, spark arrestor, and appearance. The height of a chimney may not exceed two feet above the highest point of the roof of the structure.

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10. Garages. All garages shall be fully enclosed using sliding overhead doors. All garages shall be sized to accommodate the parking of not less than two nor more than three automobiles. Garage doors must be in the closed position when not in operation for entering and exiting. Automatic garage door opening devices are encouraged.

11. Retaining Walls and Foundations. Retaining walls and foundations which are more than three (3) feet in height or which are placed upon embankments or filled areas shall be designed by a contractor or engineer licensed to practice in the State of Hawaii and such designs shall require approval of the Architectural Design Committee. See Section C.2. above concerning the treatment of open foundations.

12. Driveways. Driveways shall use concrete pavement, or other hard paving materials of color and type as may be approved by the Architectural Design Committee. Asphalt driveways are prohibited.

13. Exterior Lighting. To the extent possible sources of exterior lighting shall not be visible from neighboring Lots. Lamps which emit bright light or glare, exposed fluorescent lamps, flashing lights, colored lights and unshielded exterior lights are prohibited.

14. Air-conditioning or Other Mechanical Equipment. No air-conditioning unit or other mechanical equipment will be permitted to be placed in any location where its operation may tend to cause noise or disturbance to any other Property. All mechanical equipment and appurtenances shall be located and/or screened so as to be not visible from any street or Lot and must be painted to match the exterior color of the dwelling.

15. Landscaping. All lots shall be landscaped consistent with and in harmony with the natural topography and environment, and with other existing, landscaped lots.

16. Pools. No fabricated, free standing or above-grade swimming pools will be allowed. Pools shall be built on-site and shall be part of an integrated landscaping scheme. Front and side yard pools will be permitted only upon specific review and approval by the Architectural Design Committee (without limiting the Architectural Design Committee's general approval authority under the Declaration and this Exhibit B).

17. Windows and Reflective Surfaces. At a minimum, all windows must be double-glazed, thermal insulated. No highly reflective finishes shall be used on exterior surfaces, other than glass. Glass may not be mirrored.

18. Overhead Structures. The use of trellises is encouraged to provide shade and screening. All overhead structures must be permanent. These structures must be painted to match the exterior color of the dwelling. Fiberglass or other temporary materials are prohibited.

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19. Mailboxes. All mailboxes must be enclosed and designed and constructed according, to the Kahana Ridge standard mailbox design. See General Information Page 26

20. Appliances. Owners shall not maintain, place, or store any appliance outside of the dwelling or garage. All appliances, including but not limited to, washers, dryers, sinks, or water heaters, shall be maintained, placed, or stored within the Residence or garage.

D. REQUIREMENT AND PROCEDURES FOR SUBMITTAL AND APPROVAL OF PLANS

1. Requirements for Plans. Two (2) copies of all Plans for any new building, grading, or other Improvement within Kahana Ridge shall be submitted to the Architectural Design Committee for approval, and shall include, without limitation, the following:

(a) Plot Plan showing location of all existing and proposed Improvements, utilities, service areas, fences and walls, accessory buildings, lighting plans, paved areas, driveways, parking areas, walkways, property lines, and landscaped areas.

(b) Grading Plan showing existing and proposed topographic elevations.

(c) Building Plans and Landscaping Plans to include:

- (i) Floor plans;
- (ii) All exterior elevations including finished grades;
- (iii) Landscape plans including description of plant materials, grass ground cover, plants, shrubs and trees;
- (iv) Plans for installation of irrigation system as required under Section 4.02 of the Declaration.

(d) Specifications and Samples. Written specifications, catalog cuts, and samples where possible of all exterior materials.

(e) Color Scheme. Written description of color scheme as well as samples of proposed colors.

(f) Miscellaneous. Plans, specifications and colors for all signs, house numbers, and entry features.

(g) Other items as required by the Architectural Design Committee from time to time upon review of each individual project.

(h) Stamp. All plans are to be stamped as prepared by an architect or structural, or other engineer licensed to practice in the State of Hawaii, with construction to be under such architect's or engineer's supervision.

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(i) Alteration Plans. The plans for any alteration, modification or addition to the exterior of any existing Improvement shall be submitted to the Architectural Design Committee for its approval and shall contain the same information as is required for any new Improvement.

2. Review of Plans. The Architectural Design Committee will approve or disapprove the Plans in writing within 60 days after the Architectural Design Committee's acceptance, in writing, of the completed application and Plans. If the Architectural Design Committee disapproves any such Plans, it will send notice of its disapproval to the Applicant at the address set forth in the application. If notice of approval or disapproval is not so sent within said 60-day period, the Applicant shall notify the Architectural Design Committee in writing of its failure to timely approve or disapprove, and if the Architectural Design Committee thereafter fails to send a notice of disapproval within 15 days after receipt of such written notice, the Plans submitted shall be deemed to have been approved by the Architectural Design Committee. After approval of any Plans, the Architectural Design Committee will, upon written request from the Applicant provide the Applicant with a statement of approval in a form appropriate for recordation.

3. Standards of Review. The Architectural Design Committee will, in reviewing Plans submitted to it, consider their compliance with these Design Standards; the suitability and aesthetic compatibility of the proposed Improvement with the physical site, the adjoining Properties, and the environment of the subdivision; the quality of the materials to be used in construction; the effect of the proposed Improvement on the subdivision and other considerations pursuant to Section 4 of the Declaration. The approval or disapproval of the Plans by the Architectural Design Committee in anyone case shall not be deemed a waiver by the Architectural Design Committee of its right to approve, disapprove, object to or consent to any of the features or elements embodied therein when the same features or elements are embodied in Plans submitted in any other cases.

4. Fees. The Architectural Design Committee shall have the right to require payment of a reasonable fee for review of proposed Plans. Until adjusted by the Architectural Design Committee by resolution, such review fee shall be \$200.00 for an initial application and \$50.00 for each additional application by an applicant.

5. Professional Advice. The Architectural Design Committee may employ the services of an attorney, architect, or civil or structural engineer licensed to practice in the State of Hawaii or any other consultant to render professional advice, and may pay a reasonable compensation for such services, which compensation may be charged to any Person who has submitted Plans requiring review by such attorney, architect, engineer or other consultant. If owner shall specifically so request in advance, the amount of the professional fees will be estimated and agreed to in advance, before the Architectural Design Committee shall incur them at owner's expense.