Kawela Plantations Homeowners Association (KPHA)
 Design Committee Rules

Design Committee Rules 02/2014. Updated 05/2018.

1. All owners are responsible for reading and complying with the Declaration of Covenants
and Restrictions (DC&R).
2. The Design Committee (DC) responsibilities are outlined in Article IV of the DC&R.
3. The KPHA Board may from time to time appoint KPHA members to serve on the DC. If
KPHA volunteer members are not available, then the KPHA Board shall assume the DC
responsibilities.
4. Design Committee (DC) approval is required for the following: construction,
reconstruction, refinishing or altar any improvements, installation of utility lines,
grading, grubbing, filling, excavating or any act that would affect the drainage (3.02)
5. Improvements as defined in the DC&R include buildings, outbuildings, roads, driveways,
reservoirs, pipelines, parking areas, fences, retaining walls, stairs, decks, hedges,
windbreaks, planted trash surrounds, poles, signs and any other structure of any type
or kind.
6. Section 4.04 of the DC&R allows the DC to “adopt, amend and repeal rules and
regulations, to be known as “Committee Rules” which interpret or implement the
provisions of these Kawela Plantation Protective Covenants insofar as they relate to
matters within the jurisdiction of the Design Committee. This document once approved
shall be the referenced “Committee Rules”.
7. The DC specifically exempts from the approval requirement the following
improvements: normal repair & maintenance, renovations that do not change the
footprint of the existing improvement and outbuildings equal to or less than 200 square
feet if not used as living accommodations. In additional, the DC specifically exempts
animal shelters, green (hot) houses, interior (not driveways but access to areas of
property) roads, irrigation pipelines, minor excavation and fill when developing gardens
and planting trees, all fences whether interior or border (within County guidelines),
interior protective enclosures around planted areas such as trees or gardens, interior
(not on the boundary) retaining walls, hedges, windbreaks, planted trash surrounds,
poles and signs (the sign size requirement shall be adhered to) location of trees and
vegetation to be removed, proposed exterior colors and samples and provisions for
replanting trees and vegetation. However, owners are expected to exercise best
practices in land management. .
8. The DC finds that due to the worldwide shortage of resources that reasonable allowance
shall be made for the use of recycled or previously used materials on homeowner
properties, regardless of DC&R provisions, if the use of recycled or previously used
materials do not in any manner detract from any adjacent properties or the overall
development.
9. Upon DC and or Board of Directors approval of this DC rules as dated, any non-obtrusive
noncompliance shall be waived from enforcement.

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10. Owners requesting approvals are required by Section 3.02 (b) to submit plans and
specification for the proposed work to the DC as listed below:
a. A plot plan showing building space, contour lines, location of all existing and/or
proposed improvements, a drainage plan, location of utility installations and the
design and location of the sewage system;
b. Floor plans;
c. Drawings showing all elevation of structures;
d. Description of exterior materials;
e. Provisions for erosion control both during and after construction;
f. Proposed construction schedule. Refer to item # 19 below for guidance in
construction schedule, which is based on attainment of county building permits.
g. Property corner pins must be clearly visible and marked for DC confirmation of
setback.
h. Payment of $100.00, for building (house & outbuildings more than 200 ft).
11. An owner signed cover letter should accompany the items listed above clearly stating
the nature of proposed work.
12. Item numbers 8, 9 & 10 above should be performed before any application is submitted
for DC permitting.
13. Requests for approval of non-building improvements shall submit only relevant plans.
For example, requests for approval for grubbing or exterior fence installations do not
require a floor plan.
14. The DC shall return / reject any requests for approval that are deemed incomplete due
to failure to address each of the points in #7 above.
15. Owners are exempted from the following: location of trees and vegetation to be
removed, proposed exterior colors and samples and provisions for replanting trees and
vegetation. However, owners are expected to exercise best practices in land
management.
16. The DC shall have the right to require the use of an architect to design the plans and
specifications for the proposed work (3.02, b, 2).
17. Effective January 1, 1990, a thirty (30) foot set-back from all sides of the property was
put into place. Effective July 7, 1991 all electrical and other utilities shall be installed
underground except the wiring crossing the road can be overhead. Driveways, roads,
fences, retaining walls and sidewalks are exempted from the setback.
18. Owners are solely responsible for insuring that all applicable government rules and
regulations are complied with in conjunction with any work covered by the DC Rules.
19. The DC committee shall approve requests covered by the DC Rules only if the plans and
specifications:
a. conform to the DC&R,

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b. the proposed work is compatible with the site, adjoining properties, environment
and long-term development plans for KPHA,
c. all setback requirements, DC Committee and KPHA Rules and federal, state & county
government requirements have been met (3.02, b, 3)
20. Approved work must be started within six months of approval and / or issuance of a
government permit, whichever is later. Work shall be completed within twelve (12)
months after commencing construction. The DC Committee may approve reasonable
requests for extensions. Abandonment of work shall be considered a violation. (3.02, c)
21. Owners violating these DC Rules and the KPHA DC&R may be subject to fines as
determined by the Board of Directors. KPHA and the DC shall work with owners to allow
reasonable time to correct violations. KPHA reserves the right to remove any work in
violation. Owners shall reimburse KPHA for all expenses incurred, including attorneys’
fees. (3.02, a)
22. Enforcement shall be generally by (1) notification of noncompliance with DC Rules and
/or DC&R which may require ceasing violation; (2) sixty-day period to resolve issues
between DC/KPHA/Board of Directors; (3) failure to mutually resolve violations shall
allow DC/Board of Directors to pursue legal action. Owners shall reimburse KPHA for all
expenses incurred, including attorney’s fees. (3.02, a)
23. Any design related matter not fully covered by these DC Rules shall be adjudicated by
these Rules, the DC&R and / or Board of Director action.
24. Owners may request variances in accordance with Article IV, Section 4.06. Variances
can be allowed to overcome practical difficulties and prevent unnecessary hardships
provided the following conditions are met: (1) the posting of the application for variance
at KPHA for least ten days, (2) the DC holds a public hearing and (3) the DC finds that the
variance will not be materially detrimental to other lots in the Kawela Plantations.
25. Owners shall provide notification to the DC upon completion. The DC has the right to
inspect the work to ascertain that it was substantially completed as approved by the DC.
(3.02, d)
26. The DC shall utilize a DC checklist to document its decisions. This checklist is available to
owners.
27. The DC, at its discretion can contract out the processing of requests for approvals to a
third party who will make recommendations to the DC.
28. Owners are encouraged to contact the KPHA office, the DC or the Board of Directors if
there are any questions.