

Ku'au Bayview Homeowners Association

Design Review Committee Rules

1. Committee will be made up of three members, one of which must be a Board Member, and two alternates.
2. Three votes will be required for approval or denial of a proposed project.
3. Committee will meet at least once a month on a regular date to be determined.
4. Maximum two weeks review and response time to a plan submission if plans are submitted by date of meeting. Two sets of plans will be required, file and approval.
5. Evaluation will be limited to:
 - exterior elements and colors, principally for aesthetic compliance.
 - drainage implications of landscaping and grading.
 - encroachments on common areas at sidewalk.
6. Proof of building permit may be required for any project for which the County of Maui requires a permit.
7. Design Criteria:
 - Walls:* No unfinished (must have rock face or plaster) CMU blocks (split face OK)
 - Solar:* Must conform with roof CC&R's. Additionally, no advertising logos.
 - Sattellite Dishes:* Not visible, per CC&R
 - Colors:* Blend with existing or use pre-approved color scheme, see CC&R
 - Garage Front:* Removal of garage door is not permitted.

Tal Shibley
8-29-1997



August 12, 1998

Ku'au Bayview Design Committee 'RULES'

The Kuau Bayview Subdivision's 'Declaration of Covenants Conditions and Restrictions', (CC&R) are a base for this document.

The Design Committee 'Rules' document is an effort to clarify, simplify, and define processes for Homeowners to follow when engaging the Design Committee, the property manager's, and the Association of Kuau Bayview.

General Design Committee information: CC&R p.14 item 12

Committee Organization

Presently the Committee is volunteer. It has 1 chairperson who is also on the Board of Directors, 4 committee members, and 1 alternate.

Meeting Time

The Committee meets on the **third Monday** of every month.

Submittals from homeowner's.

3 copies of proposed plans, specifications, letters shall be submitted to the property manager **2 weeks prior** to the Committee's monthly meeting.

The property manager will forward submittal to the Committee.

The proposed plans will be reviewed/discussed by the Committee at the next scheduled meeting.

The proposed plans will either be approved or not. Approvals may be subject to Design Committee conditions. Approval requires three signatures.

A notification letter with 1 copy of plans attached will be sent to the homeowner.

1 copy will be filed with Committee and the Board will be notified at next Bd meeting.

1 copy will be filed with the property manager.

Violations of items submitted.

In the event, the items in the notification letter which were agreed to, change or are incomplete or go beyond the agreed schedule, the homeowner is in violation of the CC&R's. At that time the Property Manager notifies the Association. The Association will then enforce the remedy of their choice. For potential 'remedies' refer to CC&R p. 13,14 item 11. Enforcement of this declaration. Specifically item 11. B. REMEDIES. All Remedies are at the homeowner's expense.





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LANDSCAPING

The Design Committee will not request any landscaping plans. The CC&R's are implied.

In regards to enforcement of the CC&R's. The property manager, tracks move-in dates, 90 day anniversary and 1 year anniversary dates. The property manager will dispatch warnings, reminders of dates. The Association will be notified of any violations and will choose a remedy to enforce the CC&R's.

Reminder CC&R's

Landscaping standards. CC&R p.11 item 10. (d)1.

"The lot shall be landscaped and maintained in a manner consistent with that of a first-class residential development. **Landscaping shall be commenced on or before ninety (90) days** after initial occupancy of the dwelling and **shall be completed on or before (1) year** after initial occupancy of dwelling."

CC&R item 10. (e). Lot Maintenance

".....shall at all times keep and maintain the lot in an attractive manner, free of tall grass or weeds, trash, litter & debris....."

General reminder

The Association chose to have each homeowner take care of their County strip located at the front of each lot, containing trees and approximately 2' of ground area following the sidewalk. This means it shall be landscaped, weeded and watered at all times by the owner of the lot. This saved watering money for the association. The existing irrigation should not be tampered with. It is shut off and will remain so.





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HOUSE/DRIVEWAY ALTERATIONS UNDER \$20,000 DOLLARS.

The Design Committee requests the following to be submitted to property manager:

- 3 copies of;
- A location/plot plan showing alteration to scale, dimensions, required set backs (County ordinance), drainage changes.
 - A ¼" scale floor plan showing dimensions.
 - 1/8" scale elevations of proposed alteration showing dimensions
 - roof heights and all materials specified for finish work.
 - Color selections.
 - Permit if required by County of Maui.
 - Architect or engineer's stamp if required by County of Maui.
 - The construction schedule of work.

General statement.

Any alteration to your house or lot must be approved by the Design Committee prior to ordering materials, or any construction. This is to protect you the homeowner.

Construction schedules shall be as short as possible and will be at reasonable hours **8 am to 5 pm and if possible not on week-ends.**

In general, the **front area of the homes cannot be substantially altered**, as the character of the neighborhood would be lost. Small changes might be approved.

In general, the back of our homes must be kept up, no eyesores, no permanent exterior equipment. IE: outdoor washer/dryer

At all times colors and standard materials must be cohesive with the architecture, whether back or front. All alterations shall blend in proportionally and follow other basic design criteria to enhance the sub-division. If we are successful, our property values will continue to increase.





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HOUSE ALTERATIONS OVER \$20,000 DOLLARS

Please refer to the CC&R document p. 12 item 10. (f) I. Architectural Controls.
In general it requires extensive Architect stamped plans and specifications, County permits, communication with General Contractor, Bonding, etc.

IMPORTANT

Please submit CC&R Section II (A) '**preliminary plans**' for review to the Design Committee first.

The Committee will then approve or disapprove in preliminary design.

The homeowner will then not have incurred substantial costs for CC&R Item (B) 'Final plans' in the event of disapproval.

Overall Design Committee comments.

Please remember the committee members are homeowner's. They are not exempt from the rules and must go through the same process. They cannot vote on their own submittals.

The Design Committee members are volunteers. Please respect their time.

If you see a violation please put it in writing and submit it to the property management company. The Association will respond to your letter. Your letter will be kept confidential. **Verbal calls will not be formally responded to.**

If you have any other questions, comments please call the property manager and they will forward you to the appropriate person.

Thank you for your time to read this document.

The current property manager is Cindy Mendes Oihana Property Management. See address on letterhead below.

