

**KAWELA PLANTATION HOMEOWNERS' ASSOCIATION (KPHA)  
DESIGN COMMITTEE CHECKLIST**

*Owners are specifically encouraged to read all the KPHA DC & R's, especially Article III before commencing any building plans. The following is not meant to be a complete list, only a check list of the general covenants listed under Article III. If a possible non conforming situation arises while checking the plans, the DC & R's in their entirety should be consulted.*

The review process should consist of two phases and require appropriate drawings for each phase:

- a. Advisory review of the preliminary design including plot plan and other drawings per the current checklist. It is recommended that drawings be prepared by an architect.
- b. Final review of the architect's construction documents prior to building department submittal for Design Committee recommendation.

Date: \_\_\_\_\_ Lot # \_\_\_\_\_ Owner's Name(s) \_\_\_\_\_

**App.   Rej.   N/A   REQUIREMENTS FOR PRELIMINARY DESIGN ADVISORY REVIEW [3.02.]**

- |       |       |       |   |
|-------|-------|-------|---|
|       |       |       | Plot plan showing:  |
| _____ | _____ | _____ | 1. Easements  |
| _____ | _____ | _____ | 2. Drainage swales  |
| _____ | _____ | _____ | 3. Building space   |
| _____ | _____ | _____ | 4. Contour lines; including proposed grading, grubbing and excavation                     |
| _____ | _____ | _____ | 5. The location of all existing improvement and the location of all proposed improvements |
| _____ | _____ | _____ | 6. Proposed drainage plan   |
| _____ | _____ | _____ | 7. Location of all trees and vegetation which will be removed                             |
| _____ | _____ | _____ | 8. Location of all proposed utility installations   |
| _____ | _____ | _____ | 9. Location of sewage facilities  |
| _____ | _____ | _____ | 10. Floor plans   |
| _____ | _____ | _____ | 11. Drawings showing all elevations of structures   |
| _____ | _____ | _____ | 12. Description of exterior material and color  |
| _____ | _____ | _____ | 13. Description of provisions for stabilizing slopes during and after construction        |
| _____ | _____ | _____ | 14. Description of provisions for controlling dust during construction                    |
| _____ | _____ | _____ | 15. Location of historic site(s) easement (if applicable)                                 |

**App.   Rej.   N/A   EMPLOYMENT OF ARCHITECT [3.02. (b) (2)]**

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|-------|-------|-------|--|
|       |       |       | 1. Recommend that preliminary drawings be done by an architect   |
| _____ | _____ | _____ | 2. Final review of architect's construction documents prior to building department submittal for Design Committee recommendation |

**App.   Rej.   N/A   **CONDITION FOR FINAL APPROVAL [3.01.]****

Do the plans conform to the Kawela Plantation Protective Covenants?

- |       |       |       |  |
|-------|-------|-------|--|
| _____ | _____ | _____ | 1. Use in accordance with Section 205-4.5 Hawaii Revised Statutes Only one single family dwelling  |
| _____ | _____ | _____ | 2. No apartments, hotels, condos, industrial purposes, child day care center, hospital, sanitarium, nursing institution, convalescent home, boarding house, asylum, undertaking establishment, crematory, cattle feed pen, slaughter house, apiary, nor any breeding, raising, or keeping of swine |
| _____ | _____ | _____ | 3. No exterior speakers, horns, whistles, bells, sound devices [unless approved by Design Committee, i.e., security] No offensive activity, nor nuisance, nor embarrassment, nor disturbance, nor annoyance to other lot owners.   |
| _____ | _____ | _____ | 4. No signs except:<br>Residential identification signs with a face area of one [1] square foot or less<br>Any sign approved by Design Committee   |
| _____ | _____ | _____ | 5. No mobile homes, trailers, campers for living purposes. No junk cars  |
| _____ | _____ | _____ | 6. Rubbish storage area out of sight   |
| _____ | _____ | _____ | 7. No mining   |
| _____ | _____ | _____ | 8. Partially or totally destroyed improvements must be removed within six [6] months   |
| _____ | _____ | _____ | 9. Sewage system must be approved by Maui County and Design Committee Rules  |
| _____ | _____ | _____ | 10. All structures must be constructed of substantially new materials. No used structure to be relocated or place on any lot   |
| _____ | _____ | _____ | 11. No fence or wall shall be built unless approved by Design Committee  |
| _____ | _____ | _____ | 12. No lot shall be subdivided   |
| _____ | _____ | _____ | 13. No blasting unless approved by Design Committee  |
| _____ | _____ | _____ | 14. No structure to exceed two stories unless approved by Design Committee and permissible by law  |
| _____ | _____ | _____ | 15. Historic site(s) easement (if applicable) is undisturbed   |

**App.   Rej.   N/A   **COMPLIANCE WITH DESIGN COMMITTEE RULES [3.02. (b) (3) (iii)]****

- |       |       |       |  |
|-------|-------|-------|--|
| _____ | _____ | _____ | 1. Are all set-back requirements met? [thirty feet [30] from property lines] |
| _____ | _____ | _____ | 2. Are the power and utility lines underground?                              |
| _____ | _____ | _____ | 3. Have all Design Committee Rules been complied with?                       |

**CONSTRUCTION SCHEDULE [3.02. (c)]**

If all of the above is in order approval can be given. The date shall be noted.

If within six [6] months construction of the foundations is not complete the approval is deemed revoked and notice must be given to the Board for removal of the structures and/or improvements unless the owner has applied for an extension, in which case a new completion date is set.

If within one year [1] after commencing construction, construction is not complete the owner is in violation of the DC & R's and notice must be given to the Board unless the owner has applied for an extension, in which case a new completion date is set.

## **COMPLETION NOTIFICATION & FINAL APPROVAL [3.02. (d)]**

If the owner gives notice of completion within the above allocated time frame the Design Committee has sixty [60] days in which to conduct an inspection and either approve the work or notify the owner in writing of non-compliance.

In the event of approval no further action by the Design Committee is necessary as approval is automatic after sixty [60] days of receipt of the “notice of completion”.

In the event of non compliance the owner has sixty [60] days to remedy the non compliance. If the owner fails to remedy the non compliance the Design Committee must notify the Board.

## **VARIANCE REQUEST PROCEDURE [Article IV]**

When considering any individual deviation from the DC & R’s, it is especially important, to follow proper standards (DC & R’s, Design Committee Rules) and procedures as follows:

1. Requests for variances from the DC & R’s and Design Committee Rules must be submitted in writing to the Design Committee, with a description of the variance requested accompanied with appropriate drawings and plans.
2. The variance request will be posted at the KPHA office, on the website, and written notice will be sent to any owner(s) potentially affected by the variance as identified by the Design Committee.
3. A variance hearing open to the membership will be held by the Design Committee no sooner than ten (10) days, nor later than sixty (60) days after posting of the variance request, and notification of potentially affected owner(s).
4. The Design Committee will make a written conditional decision of approval or disapproval of the request for variance. The Design Committee’s decision is subject to the approval or disapproval of the Board.
5. No deviation should be undertaken until a written approved variance has been issued by the Board. Any deviation from the DC & R’s and/or Design Committee Rules without an approved variance will be subject to a fine as determined by the Board, and/or other penalties.