

EXHIBIT "B"

Makana
CC&R

**DESIGN REVIEW STANDARDS
for
PAPAANUI**

Section I - Preface and Design Review Standards Usage

1. Overview

These Design Review Standards ("Design Guidelines") are intended to provide guidance for all residential development and construction including new buildings, building additions, site work, landscaping improvements, and any subsequent changes or alterations to previously approved plans or existing homes. These Design Guidelines are intended to provide the framework that owners use to create homes that preserve and maintain the character of the community in which they have chosen to reside. These standards are a part of the Paapanui Declaration of Covenants, Conditions and Restrictions and are formulated for the ultimate benefit of all Owners.

The guidelines will be administered and enforced by the Paapanui Architectural Review Committee (PARC) in accordance with procedures set forth in the Paapanui Declaration of Covenants, Conditions and Restrictions (CC&R's) recorded in the State of Hawaii, and as may be amended thereafter. In the event of any conflict between Design Guidelines and CC&R's, the more restrictive provision shall apply.

The Design Guidelines may also be amended from time to time. It is the Owner's responsibility to be sure that they have current Design Guidelines and have carefully reviewed all applicable sections of the CC&R's.

The invalidity or unenforceability of any provision of these Design Guidelines, in whole or in part, shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of these Design Guidelines or the CC&R's.

- 1.1. Spirit and Intent: Recognizing the historical heritage, proximity to the ocean and natural beauty of Papaanui, the intent is to create a cohesive, visually unified community with a sense of individual identity but with a relationship to the overall design standards for the greater Makana area. The Design Guidelines strive to create a place of aesthetic and physical wellness with the environment, a sense of tranquility and quality, which, to the extent possible, will maintain the established environment of the historic Makana Landing and the enjoyment by the public of the neighboring park. The intent of the Design Guidelines is to provide further definition and illustration of the requirements set forth in the CC&R's. In establishing certain standards and procedures for the construction within the Lots, the Design Guidelines provide specific restrictions, limitations

and requirements regarding site uses, site development, architectural design and landscape improvements.

1.2. **Design Philosophy:** The site is conducive to traditional Hawaiian design themes in relationship to the environment. Two distinct architectural styles reflect the informal island lifestyle and tropical climate of Hawaii. First is the indigenous architecture of its first inhabitants, the Native Hawaiians. The main elements of this architectural style, generally characterized today as “Polynesian” architecture, are a simple roof form and the generous use of indigenous or natural materials. The other architectural style is characterized as “Plantation Managers Style” architecture. The main elements of this “Plantation” architectural style are large eaves and a grand veranda or porch. Individually, both architectural styles attempt to blend with the existing environment and lessen the visual and physical impacts of its surroundings. Together, these two architectural styles take advantage of the tropical climatic conditions, such that the distinction between indoor and outdoor living are often blurred.

1.3. **“LEED” Home Standards:** Homeowners are strongly encouraged to incorporate and utilize “Leadership in Energy and Environmental Design” (LEED) standards and guidelines for the design and construction of high performance “green” homes. A green home uses less energy, water, and natural resources; creates less waste; and is healthier and more comfortable for the occupants. Benefits of a LEED home include lower energy and water bills; reduced greenhouse gas emissions; and less exposure to mold, mildew and other indoor toxins.

2. General Design Review Procedures

These Design Guidelines provide the basis for the PARC in its review and evaluation of proposed improvements within Papaanui. The process involves a series of meetings between the Owner, their design team and the PARC (see Section V – Design Review Submittals and Other Restrictions and Requirements for details). The process begins with an informal introductory meeting and concludes with the completion of construction. Along the way are a series of meetings designed to ensure a smooth and efficient review of the building and site design. The PARC is committed to assisting Owners through the Design Review Process. The PARC should be thought of as a member of the Owner’s design team as opposed to a regulatory review agency.

2.1. Design Review Process - Improvement plans will be carefully reviewed by the PARC to ensure that the proposed design is compatible with the design intent at Paapanui. This Design Review Process must be followed for any of the following improvements: construction of all new buildings; the renovation, expansion or refinishing of the exterior of an existing building; major site and/or landscape improvements (including but not limited to pools, driveways, walls); construction of, or additions to, fences or enclosure structures.

The Design Review Process takes place in the following four steps: 1) Pre-Design Conference, 2) Preliminary Design Review, 3) Final Design Review, and 4) Construction Monitoring.

Any improvements as described above will require and be preceded by the submission of plans and specifications describing the proposed improvements accompanied by an application fee. The Owner will retain competent assistance from a State of Hawaii Licensed Architect, Civil Engineer, Landscape Architect, Soils Engineer and a licensed and bonded Contractor, as appropriate. The Owners and Consultants shall carefully review these CC&R's and these Design Guidelines prior to commencing with the Design Review Process. A thorough analysis and understanding of the Lot and Owner's special needs and living patterns, as well as the ability to convey to the PARC the concept and design of a proposed residence or other improvements, are all important elements of the design review process.

Having secured final design approval from the PARC, the Owner is also required to meet all the submittal and approval requirements of the County of Maui to obtain approvals or any other discretionary permits and a building permit.

The Owner is to commence construction within eighteen months of the Final Design Approval.

Section II - Site Development and Landscape Guidelines

1. Overview

The following site design and site planning elements are critical in capturing the desired feel, function and environment to successfully create this integrated community.

Site and Landscape Design Objectives:

Minimize grading of the natural topography;

Design and landscape outdoor spaces that are natural extensions of indoor spaces so that the boundaries between indoors and outdoors are not barriers;

Utilize plants, landscape structures and details that draw upon the indigenous landscape and building traditions of Hawaii;

Establish a built characteristic that is quiet, calm, and understated, yet of high quality, comfort, and grace;

Utilize plant palettes that are sensitive to water conservation;

Site Planning Objectives:

Minimize grading with modern construction techniques of utilizing terraced areas and foundations of homes, where necessary;

Provide privacy and views to homeowners while creating a sense of respect to the built environment that minimize adverse visual impacts on the surrounding area and neighbors;

Protecting and utilizing distinctive natural features and topography;

Avoiding highly prominent land forms and skylines and integrate into the established environment above the historic Makena Landing with its public uses;

Each house plan should be developed to integrate with the adjacent home. Functional and aesthetically cohesive design should be provided to unify all seven homes.

And overall, preserving the dominance of the natural setting by sitting buildings where they will blend into the site.

2. Individual Lot Plot

Plot Plans for individual Lots shall be furnished to the Lot owners by the Declarant, designating setbacks, easements, boundaries and utility locations. Confirmation of all grades, contours, utility locations and grade elevations are subject to determination by the Owner, prior to start of construction. It shall be the Lot Owner's responsibility to arrange for subsurface soil investigation and to design and construct the Lot Owner's structure accordingly.

3. Buildable Area

The Buildable Area is that portion of each Lot defined by setbacks and height restrictions and is the area in which improvements may be built or placed. No structures, other than as specifically permitted herein or in the CC&R's, shall be allowed outside of the Buildable Area and no portion of any improvement, except as may be specifically permitted herein or in the CC&R's, may extend outside of the Buildable Area.

4. Building Heights

Building Heights for all structures, buildings and landscape (with the exception of 2 single trunk palms per lot) shall not exceed the Maximum Building Height. The Maximum Building Height shall be depicted on the Plot Plans for each Lot and shall be as follows: Lots #1-3 shall be 30 feet above existing grade as defined in Reciprocal Grant of Easement Document (Exhibit F of CC&R's); Lot #4 shall be 60 feet above mean sea level on the portion of the property below Lot #1 & 65 feet above mean sea level on the portion of the property below Lot #2; Lot #5 shall be 70 feet above mean sea level and Lots #6-7 shall be 75 feet above mean sea level.

5. Setbacks

The building setbacks shall be depicted on plot plans as follows:

- 5.1. Front yard: 15 feet for Lots 1-5; Zero from Access or Drainage Easement for Lots 6-7
- 5.2. Side yard: 10 feet (Lot 4 is 5 feet from Access Easement)
- 5.3. Rear yard: 15 feet (Lot 1 detailed on Plot Plan)
- 5.4. The following items are allowed within the setback areas: swimming pools as detailed in #9 below; fences and retaining walls 6 feet or less in height; lanai's, stairs, eaves and roof overhangs (4 feet or less); cornices and similar architectural features.

6. Easements

Easements on lots are as detailed on final plat, described in the CC&R's, and depicted on the Plot Plan for each Lot. No improvements, roof eaves or overhangs, or major planting shall be placed on, below or above these easements (except as allowed in the CC&R's) without the prior written consent of the PARC and, if applicable, the entity utilizing the easement or to whom the easement has been granted.

7. Site Work

- 7.1. The Lot Owner shall accept the condition of his or her Lot in "as is" condition. All subsequent site work performed by the Owner shall be in strict compliance with plans as approved by the PARC.
- 7.2. Until approved by the PARC, no change in natural or existing drainage patterns for surface waters shall be made upon any Lot. The flow of existing surface and/or subsurface drainage onto, across or from each Lot shall be maintained. Disposal of storm water generated from improvements on each Lot shall be detailed in plans prepared and stamped by a license engineer in the State of Hawaii. No concentrated storm water sources from any improvement shall be discharged onto an adjacent Lot in a different location, rate or volume than previously existed. In general, drainage from home sites is to be retained on site

and/or transferred into the appropriate common area retention facility via the roadway drainage inlet or other approved connection.

7.3. In the event of any violation of the Design Standards, the PARC may cause the Lot to be restored to its state of existing immediately prior to such violation, at owner's expense.

7.4. Disturbed finish grades shall not be steeper than one-foot vertical to two-foot horizontal and should blend in with existing slope conditions.

7.5. If retaining walls are used, their maximum height shall be six feet above grade, subject to any restrictions from the County Code and the approval of the PARC. Where retaining conditions are required over six feet, then multiple walls may be used. A minimum three-foot wide planter shall be located between the top of the lower wall and the base of the upper wall. Design of retaining walls shall be done by an Architect and/or Structural or Civil Engineer registered in the State of Hawaii. Site retaining walls shall be continuous across lot lines wherever feasible. No wall adjacent to Makena Road shall exceed four feet in height. All retaining walls shall be finished with lava rock or other approved rock material or veneer.

8. Landscape Improvements

Landscape plans shall be provided by a Landscape Architect licensed in the State of Hawaii. Healthy, mature landscaping enhances a well planned development and should not be used as a mask to justify poor building design.

Trees should be selected on a performance basis with the objective of minimizing water use, providing shade, minimizing hazardous litter, root intrusion, and providing color and contrast. Trees and shrubs should be located and spaced to allow for mature and long-term growth without interfering with view corridors. With the exception of two single trunk palm trees per lot, all landscape must not exceed the Maximum Building Height requirements (See #4 above).

Uses of native Plants which are adaptable to Makena's climate (i.e. dry, hot, and close to sea) are strongly recommended. Use of Xeriscape Principles, proper use and location of plants, in order to conserve on water is also recommended. Ideas for native plants which are adaptable to Makena's climate can be found on the Department of Water Supply's website or can be picked up at their office in the County Building. Landscaping work shall be done, as much as is practical, concurrently with building of a home.

Accent planting should be used around driveways and common areas. Plants should be grouped in high and low maintenance zones and coordinated with irrigation plans. Avoid short lived plants, plants susceptible to disease, and large expanses of single plant varieties due to the unchanged appearance and chance of loss if struck by disease. Vines and plants should be used to provide wall, column, and post texture and color as well as accenting entryways, courtyards and footpaths.

9. Swimming Pools and Water Features

Swimming pools and water features design shall be submitted as part of the preliminary and final plans. Swimming pools and water features shall be located within the Buildable Area with the exception that swimming pools and water features may extend a maximum of ten feet outside the rear yard setback for Lots 1-3.

The use of pool covers is encouraged to minimize loss of water through evaporation. Also, the covers are encouraged to be "solar" covers to save and conserve energy typically required to heat pools. Temporary, plastic, or pre-fabricated swimming pools are prohibited on any Lot. Swimming pools and water features will be allowed below or above grade so long as they are appropriately integrated into the landscaping and grading design so as to minimize the visual impact on neighboring Lots.

Noise mitigation factors shall be utilized to address noise generated by water features. Swimming pools and water features shall be kept operable in accordance with the rules and regulations of the Department of Health. If abandoned or if a pool or water feature becomes a nuisance, the owner shall demolish, remove the pool or water feature, and, insofar as practicable, restore the land to a condition approximating that which existed prior to the construction of the pool or water feature, and properly landscape and maintain the restored area. Pool equipment rooms shall be sound treated to prevent noise nuisance in accordance with mechanical equipment noise control guidelines.

To avoid negative impacts to coastal ecosystems from excessive or polluted runoff, pools and water features shall not be drained or emptied into public roadways or into downstream/neighboring properties.

10. Outdoor Spaces, Courtyards, Terrace and Landscape Structures.

The spatial organization of the residence as well as the organization of the outdoor spaces is to be designed as one unified whole. The demarcation line between indoors and outdoors should be blurred. Extending flooring materials from the inside of the residence to the outdoor spaces is encouraged.

The use of architectural devices such as balconies, courtyards and lanais to help the gradual transition from indoors to outdoors is encouraged.

Landscape structures such as arbors, pavilions and/or decks must be located within the Buildable Area. The height and color and style used for outdoor structures should be the same or similar to the main residence. In general the same guidelines that apply to architecture apply to the design of landscape structures.

11. Driveway Accesses

The location of driveways for access to any Lot, or any improvements thereon, shall be sited to minimize impacts on drainage ways, utility laterals and service lines. The

driveways and related gates or other improvements within the front yard setback area shall be reviewed and approved by the PARC prior to construction. Parking and turnaround areas must be located within the Buildable Area. Lots shall be limited to no more than one driveway. Some special considerations for turning off Makena Road from either direction maybe required for lots 4 and 5 however, in general, the driveway and related improvements shall be simple and understated in design and shall not be ornamental or include materials, forms, or colors not acceptable within Design Standards. Driveways and parking areas of lava rock, simulated lava strips with turf between, stamped concrete, and/or other similar material are preferred and encouraged.

12. Vehicles, Trailers and Boats

Vehicles shall not be parked continuously or regularly on common area roadway lots. Only occasional parking by guests or by vehicles servicing a Lot shall be permitted on such roadway lots. Boats or trailers parked on any lot shall not be visible from any adjacent property or roadway and shall not be parked on any roadway. No vehicle, boat or other equipment, may be dismantled, repaired or serviced on any Lot so as to be visible from adjoining or neighboring lots or from any roadway.

13. Refuse Storage

Refuse receptacles for domestic and building waste must be covered and screened completely from view of adjoining lots and common areas either by landscaping or other screening wall materials, which is compatible in design and color with the main structure.

14. Antennas

No visible antennas or satellite dishes greater than one meter in width are permitted. Placement of satellite dishes shall not be beyond the Buildable Area and its location shall be approved by the PARC in order to retain the architectural integrity of the building design.

15. Mailboxes

All mailboxes shall be designed per postal regulations and designs submitted as part of the Design Review Procedures. House number and name signs shall be of an attractive and superior quality design and installed flush with wall surfaces where possible, and shall in no event exceed an aggregate of one (1) square foot in size.

16. Other

Refer to Article 3 of the CC&R's for additional requirements.

Section III - Architectural and Building Standards and Requirements

1. Architectural Character

Architectural character of all buildings shall be reflective of Hawaiian Style such as contemporary “Polynesian” and/or “Plantation Style”. The use of indigenous or natural materials, split pitch roofs, trellises and an emphasis on one-story designs are highly encouraged.

Predominant architectural styles such as Mediterranean, Oriental, Modernistic, Tudor, Colonial, Georgian and French provincial styles are not permitted. Also, pole houses, structures with “A-frame” roof lines, and factory-built structures which have been pre-assembled or pre-cut for assembly, are not permitted.

The PARC may prohibit other architectural styles, without liability or limitation, when the architectural character of a building is not harmonious and/or detracts from the intended architectural character of the subdivision.

1.1. Polynesian Style - The following defines the characteristics, components, principles and elements that make up the Polynesian Style with regard to materials, forms, colors and building elements. This style is one of two styles that may be used as the basis for creating a residence at Paapanui that captures the Hawaiian lifestyle, responds to the tropical climate and borrows from the regional building traditions. The basic elements include:

- **Simple, informal massing, horizontal compositions, low in height.**
- **Typically rooms, or groups of rooms, arranged as individual pavilions linked by walkways (covered or uncovered) or gardens.**
- **Large openings with minimal vertical structural expression.**
- **Broad, enveloping roofs which are the dominant form in the landscape.**
- **Refined details which utilize primarily early Hawaiian, Asian and Polynesian motifs.**
- **Deep shade on the walls created by Lanais and roof overhangs.**

1.2. Plantation Style - The following outlines the particular characteristics, elements and principles of the Plantation Style. This is the second of two styles that may be used as the basis for designing a residence at Paapanui that captures the Hawaiian lifestyle, responds to the tropical climate and borrows from regional traditions. The basic elements include:

- **Simple, rectangular forms, often organized with symmetrical facades.**
- **Designs that blend European and Tropical influences.**
- **Non-stylized, double pitch roofs with deep eaves.**
- **Double-hung windows often with divided lites and louvered shutters.**

- Lanais that wrap around the building
- Board and Batten siding over articulated crawl spaces.

2. Site Design

It is the general intent to balance cut and fill volumes. To avoid massive retaining walls and to control the height of improvements, grading, cutting and filling shall be kept to a minimum as is practical for site constraints. Step pads or building pads which conform to the natural topography of the lot are recommended when laying out main floors in order to avoid massive cuts or fills. Usable areas under buildings shall be enclosed to give the appearance that the building grows out of the Lot.

3. House Proportions and Massing

An emphasis on one story buildings is encouraged. Two story portions may be accepted by the PARC when the design does not appear excessive in height; however, two story walls are restricted to 12 feet without a horizontal break and all sides of the buildings are to be well articulated with appropriate plane breaks as permitted by the PARC. Dwellings may be sited partially below grade.

Articulation of building surfaces is encouraged to soften their appearances and reduce mass. Articulation should be achieved by utilizing various architectural elements including: a) projections and recesses to provide shadows and depth, b) lanais, c) sun shading devices such as trellises, d) portico or entries that create a sense of arrival projecting from the building flanked by columns or Ohia posts e) recessed doors, archways or cased openings and f) staggering of wall planes using recessed to create shadow patterns and depth of the wall surfaces. These elements should be integrated into the building design to avoid the look of “tacked on” architectural features.

The mass of each house shall be broken up in horizontal planes accentuating floor level and roof eaves. Homes shall typically consist of no more than three floor levels as perceived from the exterior of the structures.

No more than two major sides of a house may have exterior walls or exterior plane surfaces or columns that align directly above or below each other. Offset exterior walls at upper levels shall be offset by a minimum of 2 feet inward from lower level walls, piers, or columns. For all lots, the square footage of upper levels shall not exceed 60% of the square footage of lower levels (as determined directly below the upper level). This upper level square footage limit does not apply to accessory structures including garage/ohana units.

4. Garages

Each Lot shall include an enclosed garage with a minimum square footage of 500sf. All garages shall be fully enclosed with garage doors. It is encouraged that garage door

designs break up the door massing by various means such as detailed articulation, use of custom doors or separate door for each vehicle.

5. Roofs

All roofs should have the appearance of a broad, sheltering hat that floats over a minimal structure. Roofs should incorporate deep eaves and overhangs to create shade and protection from the sun and rain. Roofs shall be pavilion like forms; hip, or double pitched hipped roofs often with triangular gable vents at the top.

6.1. Eaves

Designs should show generous roof overhangs from the wall or support line. All roof overhanging eaves, as measured horizontally, shall extend a minimum of three feet from exterior walls or columns; four foot overhangs are encouraged. Fascia dimensions should be kept to a minimum, generally 4 inches.

6.2. Roof Materials

Roofs shall be cedar shingles, slate, copper or cement based flat profile tile. Cedar shingles shall have smooth sawn surfaces and installed with a maximum 7 inch exposure and 5/8 inch minimum exposed edges are recommended. Cement based tiles shall be flat profile and not have a large barrel shape similar to "Spanish" tile roofs. Earth colors shall be used for tile roofs. A sample of the proposed roof material shall be submitted for PARC approval as to color, style and texture.

Skylights are to be designed as an integral part of the roof system, utilize safety or tempered glass, and be of a non-reflective color or tint. Skylight glazing shall not be back-lit or manufactured of reflective material. Skylight framing and glazing shall be colored or coated to match adjacent materials. No mechanical equipment shall be placed on a roof except flush mounted solar panels.

6.3. Roof Pitch

All roofs must be hip except any area of flat roof with such flat roof area not to exceed 15% of the total roof area. Gable ends for the purpose of natural ventilation are allowed with a maximum vertical height not to exceed one-fourth of the total roof height.

Roof pitch shall typically be 4:12 to 6:12 for single pitch roofs. Double pitched roofs shall typically be between 4:12 and 7:12 for the main pitch with the secondary pitch between 3:12 and 5:12. Steeper roof pitches (9:12) may be used only to create a dramatic large volume primary space.

6. Exterior Walls and Finishes

The exterior walls of buildings shall use a maximum of three materials, with one material clearly dominant over the other(s). Exterior wall design should be simple, refined wall compositions. Buildings should have minimal vertical structural expression to give them a lightweight appearance. Vertical structure may be expressed at the corners of buildings by large columns or supports

6.1. Exterior Materials

All siding materials shall be either local stone, plaster with stone, lava rock, board and batten, T&G, or shiplap siding. No prefinished metal siding, plain surfaced or grooved plywood panels are permitted. Limited stucco wall surfaces may be allowed (in conjunction with other siding materials) and shall be constructed with cement mix base and incorporate a fine textured finish.

Lava rock or similar quality material may be used as a foundation element with wood infill walls above or used as full height columns or walls. Stone masonry is encouraged to be one of two styles: either a dry-laid structural appearance matching the traditional rock walls of the area, or uncoursed stone with minimal grouting showing.

All wood exterior materials should be finely detailed. Exterior wood siding shall be clear redwood, cedar or exotic tropical woods. Exposed roof rafters and wood soffits are encouraged and edge banding, skirt boards, and fascias are permitted.

All exterior wall materials must be continued down to within six (6) inches of finish grade so that unfinished foundation walls will not be exposed, unless other solutions are approved by PARC.

6.2. Exterior Colors

Subtle "earth" colors and tones are permitted with complementary accent colors for architectural features, but color chips must be submitted to the PARC for review and prior written approval. No garish, reflective, or fluorescent colors shall be allowed on any exterior surface.

6.3. Doors and Windows

All doors and windows should be broad openings, deeply recessed and shaded by overhanging roofs. Window and door openings should be designed so that the house can be opened up to take advantage of the trade winds and views.

Paneled, glass or louvered doors should be set in door surrounds that reflect early European, Hawaiian and Southeast Asian influences and have a handcrafted appearance. Wood constructed large sliding doors, glass or louvered, are preferred.

Materials should be stained indigenous woods or vinyl clad for trim, mullions and surrounds. Stains may be used for protection from weathering.

6.4. Glass

Mirrored or reflective glass or glazing materials are prohibited.

6.5. Building Projections and Accessory Structures

The use of architectural extensions to provide shade and shadows, protect buildings from intense sun, and create a strong indoor/outdoor relationship are outlined below. The style and details of these architectural elements, such as column and eave treatments, should borrow from the earlier building traditions. In general, requirements for accessory structures will be similar to those of the main residence.

Lanais: Informal in their arrangement, these areas are to be a minimum of 6 feet in depth and utilize wide overhanging roofs. Flooring materials are to be natural stone, tile or decking, and/or of the same materials as utilized in the interior of the house.

Entry and/or Side Porches: Porches which provide shelter from the sun and accentuate entry areas are to be a minimum of 6 feet in depth.

Arbors/Trellises: Covered areas which connect separate structures or are free-standing are to be a minimum of 6 feet wide.

Railings: Decorated or carved railing details are to utilize Asian, Polynesian and /or Hawaiian motifs. No metal, PVC or plastic railings are permitted.

7. Exterior Lighting

Exterior building lighting, either attached to or as part of the building should be the minimum needed to provide for general illumination and security of entries, patios and outdoor spaces.

Effective lighting provides safety and direction for vehicles and pedestrians and security while enhancing the architectural features of the homes and landscaping details. The quality of light, level of light as measured in foot candles, and the type of bulb or source will be carefully addressed. Light levels should not be so intense as to draw attention to the glow or glare of the site. The lighting plan should incorporate current energy efficient fixtures and technology.

Lighting shall be used only for the purpose of illumination, and shall not be designed for or used as an advertising display or dramatically highlighting any dwelling, landscaping component or improvement. Exterior lighting fixtures shall be compatible with the architectural design of the building or buildings they serve.

All exterior lighting, including but not limited to building lights, porch lights, yard lights and security lights, shall be fully shielded and if not fully shielded, be of a construction where the lighting is subdued and/or indirect to prevent spillover or glare onto adjacent properties. All outdoor lighting highlighting driveways footpaths and other architectural features should be incandescent lamps with a maximum 25 watts to prevent glare. Colored lights (nonwhite), fluorescent, high intensity discharge exterior lights, flashing, exposed bulbs and flood lamps on roof eaves are not permitted. Outdoor recreational lighting is prohibited except for underwater swimming pool lights.

Lighting that would be considered temporary in nature are allowed, unless the usage becomes more of a permanent nature. Examples of permissible temporary lighting would be holiday lighting and construction site lighting.

8. Water Saving Devices

The use of a wide variety of fixtures and appliances that will help reduce water use for each home is encouraged. Owners can achieve a significant savings in overall water use and hot water use in particular by installing low-flow showerheads and faucets. Other ways to save water include use of low-flow toilets, leakage monitoring programs, and use of automated sprinkler/irrigation systems which are “weather smart” or moisture sensitive (i.e. system is automatically shut-off during rainy periods or when ground is already moist).

9. Air Conditioning System and Mechanical Equipment

The use of innovative and alternative ways to cool homes with less energy, such as: a combination of proper insulation, energy-efficient windows and doors, day-lighting, shading, and natural ventilation is strongly encouraged to significantly reduce the need to use air conditioning.

Prior to the installation of an air-conditioning system, swimming pool filter pump unit(s) or other mechanical equipment, the Lot owner shall secure the written approval of the PARC as to the location and type of system. Such air-conditioning, swimming pool filter pump unit(s) or other mechanical equipment system shall be within the Buildable Area and shall be sound treated to prevent noise nuisance and shall be screened from view.

Notwithstanding the above, should complaints occur after start-up, the PARC may, without liability or limitation, restrict or prohibit the operation of any air conditioning or mechanical equipment found to be generating property line noise levels exceeding 40 db, A scale, until additional noise mitigation measures are provided by the owner and approved in writing by the PARC.

10. Solar Energy and Heat Pumps

The use of solar energy or heat pumps as the primary source to heat water is recommended. Also, the use of instant energy efficient hot water units is encouraged.

Photovoltaic energy systems are also encouraged. Solar energy installations shall be, as much as practicable, hidden from view by accommodating them into the roof or incorporating them into a flat roof section, and shall be installed at the same angle of slope and parallel plane as the roof. The intent is to create an architecturally pleasing integration of the solar panels into the roofline. Collectors may be ground mounted provided they are properly screened. Roof mounted composite solar collector and water storage tank systems are not allowed. The design of all installations shall require the prior written approval of the PARC and be part of the design submittals.

11. Fences, Walls and Gates

In order to create an informal and continuous landscape, walls and fences that are built along property lines for extended lengths, effectively defining the property boundary are discouraged.

Privacy walls should be used only when absolutely necessary and should be located so as not to impact the view from adjacent homesites. Landscape solutions, like burming and dense planting, are preferred.

Approved materials for walls and fences include lava rock or similar quality material, bamboo, multi hued and textured cement plaster and wood. When using rock a dry-laid appearance is encouraged.

Except as otherwise permitted under these guidelines, all walls shall be constructed of or faced with lava rock or other approved finish. Walls should appear to be built from the surrounding natural materials. Walls should undulate with the topography and have a softened angle layout that emulates historic wall construction.

12. Laundry Facilities

Laundry facilities and any service or utility area, including any area for hanging clothes, must be screened from view from adjacent property and roadways.

13. Service Yards and Storage Tanks

All aboveground garbage and trash containers, clotheslines, mechanical equipment and other outdoor maintenance and service facilities must be screened from view of other lots, streets or public spaces. All fuel tanks, water tanks or similar storage facilities shall either be shielded from view by walls or other improvements or shall be located underground with all visible projections screened from view. Underground tanks shall be installed in accordance with applicable laws for underground tanks.

Propane gas tanks shall either be shielded and screened from view or shall be installed or constructed underground in compliance with the County of Maui and State of Hawaii ordinances, statutes, rules and regulations.

14. Signs

No signs whatsoever shall be erected or maintained upon any lot except: a) Such signs as may be required by legal proceedings; b) Such signs as required for house numbers and name signs in accordance with item mailboxes above, provided that such signs shall be flush mounted, preferably positioned within architectural features and not exceed one (1) square foot maximum; c) Real Estate "for sale" signs on the lot being sold, not to exceed 4 sq ft.; and d) Any sign which does not comply with the above must obtain specific written approval of the PARC.

Section IV - Construction and Builder Regulations

1. Acceptance of Lot

Each Owner shall accept the condition of his Lot in an "AS IS, WHERE IS" condition as of the date of completion of all subdivision improvements. All subsequent improvements to the Lot by the Owner shall be in strict accordance with the construction plans approved by the PARC. The Owner is solely responsible for evaluating and accepting soils, topography and other aspects of the Lot and its suitability for Owner's proposed agricultural operations.

2. Grades and Location

All plans and drawings for the subdivision improvements are approximate only. Such plans and drawings include grading plans and the location of utility lines and conduits, water and drainage lines, water laterals, roadways, walls and other improvements. Owners acknowledge and accept that the standards construction industry and actual on-site conditions may require changes, alterations or deviations from the plans. Consequently, Owners shall not rely upon any such plans for any purpose whatsoever. Each Owner is responsible for verifying the location of all utility lines, laterals and stub outs, and verifying the topography and elevation of his Lot by hiring his own licensed Land Surveyor or Engineer.

3. Performance; General Contractor

All construction and site work to or upon a Lot shall be expeditiously and with due diligence prosecuted to completion.

4. Materials and Quality

The materials used for structures shall be new and of a quality consistently associated with that used on superior quality custom-designed homes. No used materials are permissible except where specifically approved in writing by the PARC to achieve a desired aesthetic effect.

All structural lumber shall be pressure treated against termite infestation and shall be guaranteed in writing against such infestation for a period of five (5) years.

5. Foundations

Ground settlement is possible. The owner and owner's architect, engineer and contractor shall give due consideration to the design of the foundation systems of all structures (home, walls, swimming pools, etc.). It is the Owner's responsibility to conduct an independent soils engineering investigation.

6. Abandoned Construction

If construction of a dwelling is at any time abandoned, the Lot owner shall cause the Lot to be cleared and landscaped so as to present a neat appearance, and shall thereafter so maintain the Lot until the recommencement of construction. "Abandonment" shall mean the cessation of construction activity for a period of ninety (90) consecutive days and will be subject to fines to be assessed by the PARC.

7. Utility Lines

All utility lines, including, but not limited to, electrical, telephone, drainage, sewer and television service shall be underground. Meters and service panels shall be screened from public view.

8. Construction Requirements

8.1. Blasting

All blasting must be performed by a licensed contractor. Twenty four hours prior written notice must be given to the PARC and owners and occupants of property within a radius of five hundred (500) feet from the property line of the Lot on which the blasting is to occur.

8.2. Construction Hours

The hours during which construction may occur at any Lot are restricted to 7:00 a.m. to 6:00 p.m., Mondays through Saturdays. No construction work shall be performed before or after the hours specified or on Sunday, except for emergencies or where no noise nuisance is created.

8.3. Refuse Disposal Bins

A refuse disposal bin shall be placed on a Lot only at the commencement of construction and are to be completely removed from the Lot no later than thirty (30) days from the "date of completion", as that term is defined in

Section 507-43, HRS. The refuse disposal bin shall not be placed on an adjacent lot or common area without approval of the PARC.

8.4. Site Preparation

All irrigation lines within the roadside strip must be sleeved and reburied, and all associated irrigation leads moved as necessary.

8.5. Portable Toilets

A portable toilet in fully operating condition must be maintained on the construction site at all times during construction, and serviced in accordance with applicable State Department of Health and County Sanitation standards.

8.6. Temporary Structures and Surplus Materials

Temporary structures, trailers and construction materials may be placed on a Lot only at the commencement of construction and are to be completely removed from the Lot no later than thirty (30) days after the “date of completion”, as that term is defined in Section 507-43, HRS. Temporary structures, trailers and construction materials shall be placed on the Lot and not on an adjacent lot or common area without the written approval of the PARC.

8.7. Fire Hazard

Each Lot and all improvements located thereon, shall be maintained by the Lot owner thereof in good condition and repair, and in such manner as to not create a fire hazard, all at Lot owner’s expense.

Section V - Design Review Submittals and Other Restrictions and Requirements

1. Pre-Design Conference

Prior to the preparation of any materials for formal PARC review, the Owner and Consultant(s) may elect to meet with representatives of the PARC for a Pre-Design Conference. The purpose of this meeting will be for the PARC to answer any questions the Owners and/or Consultant(s) may have and to offer guidance on the following subjects: the particular characteristics and restrictions on the home site; optimal orientation of buildings and outdoor spaces; additional survey information requirements; preliminary building and site development program ideas and requirements; potential issues or conflicts for the protection of views and site restoration; clarification of Design Guideline objectives; the requirements, fees, and schedule of the Design Review Process.

In conjunction with this conference, the Applicant may decide to informally submit an optional, quick conceptual sketch of the proposed Residence. The purpose of this optional

sketch and conference is to confirm the design professional are headed in the right direction and are interpreting the Design Guidelines correctly.

2. Preliminary Design Review

After the Pre-Design Conference, the Owner shall submit a written application and appropriate fee for the Preliminary Design Review together with Preliminary Design review submission materials. All architectural plans are to be prepared by a Architect licensed in Hawaii. All landscape architectural plans are to be prepared by a Landscape Architect licensed in Hawaii. The package shall include three full-size sets and one half-size set of the following drawings and/or materials:

2.1. Typical Preliminary Design Review Submittals

- 2.1.1. Preliminary Design Review Application and Fee
- 2.1.2. Preliminary floor plan. Scale 1/8" = 1 Foot
- 2.1.3. Preliminary exterior elevations from four sides with materials indicated. Scale 1/8" = 1 Foot.
- 2.1.4. Preliminary site plan showing easements, setbacks, building placement, roof overhangs, building square footage, vehicle access, finish floor elevations with adjacent exterior corner grade elevations, drainage design, individual aerobic wastewater treatment, driveways, retaining walls, fences, swimming pools, and other material requested by the PARC. Scale 1/8" = 1 Foot
- 2.1.5. Cross section depicting site and house section. Scale 1/8"=1 Foot.
- 2.1.6. Conceptual Landscape Plan utilizing approved planting materials at a minimum scale 1/10" = 1 Foot

Upon receipt of the required documents, the PARC will notify the Owner of the schedules meeting date to review the Preliminary Design Documents. The Owner and/or Consultant(s) may elect to be present at the meeting. The PARC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) and subsequently provide the Owner with the conclusions of the meeting in writing.

3. Final Design Review

Within one year of Preliminary Design Review approval the Owner shall initiate Final Design Review by submitting required Final Design documents. Final Design documents shall generally conform to the approved Preliminary Design Review documents. All architectural plans are to be prepared by Architect licensed in Hawaii. All landscape architectural plans are to be prepared by a Landscape Architect licensed in Hawaii. The package shall include three full-size sets and one half-size set of the following drawings and/or materials:

3.1. Typical Final Design Review Submittals

- 3.1.1. Final Design Review Application
- 3.1.2. Site plan showing existing and proposed Lot topography, setbacks, easements, buffers, buildings, garages, driveways, retaining and/or garden walls, fences, utility lines, landscape areas, pools, other recreational areas, drainage systems, individual aerobic wastewater treatment system, and other improvements. Scale: 1/4" = 1.0 Foot.
- 3.1.3. Floor plans for each structure. Scale: 1/4" = 1.0 Foot.
- 3.1.4. Elevation drawings showing each exposed side of each proposed structure (including typical walls and fencing) indicating materials and colors for roofs, house walls, retaining and/or garden walls, and fences (with appropriate samples). Scale: 1/4" = 1.0 Foot.
- 3.1.5. Section drawings indicating the relationships between buildings on site, views from on site, the impact of off-site views and major cut and fill areas. Scale: 1/4" = 1.0 Foot.
- 3.1.6. Section drawings showing outdoor landscaping areas, retaining and/or garden walls, fences, and any exterior appurtenant structures. Scale: 1/4" = 1.0 Foot.
- 3.1.7. A proposed construction schedule.
- 3.1.8. A drainage plan and wastewater plan certified by an engineer licensed in the State of Hawaii.
- 3.1.9. Any other plans or drawings that may be requested by the Design Review Committee.
- 3.1.10. All proposed colors.
- 3.1.11. Final Landscape Plan

Upon receipt of the required documents, the PARC will notify the Owner of the schedules meeting date to review the Final Design Documents. The Owner and/or Consultant(s) may elect to be present at the meeting. The PARC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) and subsequently provide the Owner with the conclusions of the meeting in writing. Once Owner has received final approval by the PARC, the Owner shall apply for all applicable building permits from the County and any subsequent construction, landscaping or other changes in the intended Improvements that differ from approved Final Design documents must be submitted in writing to the PARC for review and approval prior to making changes.

4. Construction Monitoring

The PARC will monitor construction with the Owner and Builder on a periodic basis as necessary. Owner shall notify PARC of the following events:

- 4.1. One week prior to initial site disturbance.
- 4.2. One week prior to foundation and framing.
- 4.3. One week prior to Notice of Completion.

5. Enforcement
These Design Standards may be enforced by the Association, Declarant, and/or the Owner of a Lot in Papaanui, as provided in the CC&R's. These criteria and standards shall be made a part of the construction contract document specifications for each building or structure or other improvements on a Lot, and all contractors, Owners, and other persons shall be bound thereby. Any violation by a contractor shall be deemed to be a violation by the Owner of the Lot.

6. Variances

Except in the case of any standards or requirements imposed by law or as conditions to the approval of Papaanui, in the event specific designs, plans or specifications cannot or do not comply with these Design Standards, the Owner may apply to the PARC for a variance. Each application shall be considered in accordance with the CC&R's on a case-by-case basis on its architectural merit and contribution to or conflict with the overall purpose of these Design Standards and the CC&R's. A variance granted in one circumstance shall not be considered as precedent or grounds requiring approval of subsequent or similar request in any other circumstances.

7. Commencement and Completion of Construction

Upon receipt of approval from the PARC, the Owner shall, as soon as practicable, satisfy all conditions thereof, if any, and diligently proceed with the commencement of all construction, reconstruction, refinishing, alterations, and excavations pursuant to the approved plans within eighteen months. Once construction has begun, substantial completion of all buildings and landscape shall occur within 20 months.

No grading, site work or construction of any kind shall begin until final approval is obtained from the PARC. Failing to meet the above timelines may result in penalties being assessed by the PARC.

8. Fees

As required by the CC&R's, the costs of the professionals and consultants, and any other costs and expenses incurred by the PARC shall be borne by the Owner as a fee. There shall be a PARC review fee of \$3,000 for the initial improvements and \$1,000 for subsequent remodels and \$1,000 for resubmissions on initial improvements, \$500 for remodels and \$250 for minor improvements. The review fee is an estimate and may be adjusted to cover actual costs exceeding the review fees. A Builder's Security Deposit of \$10,000 is required and all or a portion of this deposit shall be refundable based on the performance of the Building Contractor.

9. Applicable Laws

The Owner or the Owner's architect, engineer, contractor or other professionals, shall be responsible for all submissions to the appropriate state and county agencies and for complying with all applicable laws, regulations, ordinances and codes, and shall acquire all permits necessary before commencement of any construction. The PARC requires copies of all building permits (grading, building, etc.) before any site work commences by the Contractor.