HEATHERS II DESIGN GUIDLINES

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John Petrella, REALTOR®
ABR®, GRI, Broker In Charge
Direct: 808.640.3953

Email: John@HiloJohn.com
Web: www.HiloJohn.com

Office: 808.969.3900
Fax: 808.443.0500
Toll Free: 877.545.0306

Hilo Brokers, Ltd.
65-1206 Mamalahoa Hwy
Bldg #2-103
Kamuela, Hi 96743

400 Hualani St., Bldg. # 21
Hilo, HI 96720

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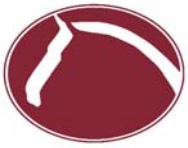
KOHALA RANCH

HEATHERS II

CUSTOM HOME DESIGN GUIDELINES

AUGUST 9, 2005



KOHALA RANCH

HEATHERS II

Custom Home Design Guidelines

august 9, 2005

Kohala Ranch Development Corp.
Community Developer

VITA
Planning & Landscape Architecture
Community Design

Contributors

Belt Collins & Associates
Civil Engineers

Preface

These Design Guidelines are intended to provide guidance for all development and construction-new Buildings, Building additions, sitework and landscaping-as well as any subsequent changes or alterations to previously approved plans or existing homes.

The Guidelines will be administered and enforced by the Architectural Control Committee (ACC) in accordance with procedures set forth in the Kohala Ranch Declaration of Covenants, Conditions and Restrictions (CC&R's) recorded with the State of Hawaii, and as may be amended thereafter. In the event of any conflict between the Design Guidelines and CC&R's, the CC&R's shall govern and control.

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

The illustrations in this document are intended to convey a concept, and not to portray specific plans for construction. The purpose of these Guidelines is not to create look-alike structures or other Improvements but to ensure that designs are compatible with the site, the overall environment and the design objectives of the Community as a whole.

To that end, the ACC reserves the right to require design modifications or additions that, though not specifically contained in the Guideline text or illustrations, are within the spirit and intent of the Guidelines and the design objectives of the Community.

These Guidelines are binding on any persons, company or firm that intends to construct, reconstruct or modify any permanent or temporary Improvements in the Community or in any way alter their Lot, surrounding area or the natural setting of the site environment.

The CC&R's accompanying these Guidelines have been adopted and recorded to establish the Community Association ("Association") and the Association rules and regulations. Homeowners and their Consultants and contractors should familiarize themselves with these rules prior to the start of design or construction.

These Guidelines address custom home residential Improvements in the Heathers II neighborhood. Homeowners should refer to appropriate sections in these Guidelines and the Lot Diagrams for conditions governing Improvements on their Lot.

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1 The Kohala Ranch Plan and Design Philosophy

1.1 The Kohala Ranch Community

The Kohala Ranch Community was created to allow its residents the opportunity to experience the true Hawaii - informal, gentle, outdoor oriented and filled with aloha. The Community Plan and the ideas expressed in these Guidelines were born of this spirit and of a deep respect for the land. To build a home that truly is of Hawaii, it is important to first understand the land.

A careful analysis of the land and an understanding of the early cultural influences that helped shape the Kohala Coast led to a plan with the following elements:

1. View Corridors

Protecting and enhancing ocean and mauka views for residents from their homes and/or throughout the Community as a whole is a primary goal for the Community Plan and these Guidelines. To this end, two types of View Corridors have been established–Community View Corridors and Homesite View Corridors.

- *Community View Corridors*
  Respecting the ancient Hawaiian tradition of mauka–makai orientation, several major View Corridors have been created that will be a continual reminder of the importance of the ocean and the mountains to the Community. Ocean views will be glimpsed from Homesites and roads.

- *Homesite View Corridors*
  At a more detailed level of planning, building and landscape height maximums, building location and other design controls have been implemented to protect view opportunities.

At Kohala Ranch we are committed to View Corridors for most Homesites, but any negative impact to any Owner's view shall not provide a basis for any claim or cause of action, or create any obligation on the part of the Declarant, the Association, or the owner of any Private Amenity.

2. Pasture Lands

For over 150 years, the verdant slopes of Kohala Mountain have supported many generations of family cattle ranches. It was on these slopes that the paniolo–Hawaiian cowboy –was born. The Kohala Ranch Plan embraces this rich history by incorporating ranching icons (stone walls, simple ranch fences) and the openness of grazing land into the Community's plan and imagery.

3. Gulches

Numerous gulches transect Kohala Ranch creating a distinct network of small ridges and valleys. These gulches function as natural boundaries between neighborhoods and are an

important component to the Community's drainage, open space and trail system. Additionally, several significant archaeological sites are located within or adjacent to these gulches and are preserved as a Community amenity. Homesites have been carefully located to preserve these open spaces utilizing them as view amenities.

4. The Neighborhoods

The dendritic drainage pattern of Kohala Mountain has carved the gently sloping terrain into a series of discreet ridge or plateau landforms. These landforms have been adopted as individual neighborhoods within the Community plan. A variety of home and/or Lot sites have been placed on these landforms, responding to slope, gulches, solar orientation, views, prevailing winds or other natural characteristics of the land.

5. Trails

An important component of enjoying the Hawaiian lifestyle is living outdoors. The Kohala Ranch Community Plan has been conceived to encourage moving throughout the Community on foot, bike or horseback, in addition to cars. Located within the Community View Corridors or *Common Areas* is a network of hiking and equestrian trails emulating the historic mauka-makai paths of the ancient Hawaiians and the more recent cattle trails.

1.2 The Kohala Ranch Design Philosophy

At Kohala Ranch, buildings and landscapes combine to reflect the informal, easy lifestyle and tropical climate of Hawaii. This design philosophy is based on three main objectives:

1. Establish a way of Building and landscaping that utilizes the tropical climate to create homes that are effortlessly "connected" to the natural environment.

The Hawaiian lifestyle is about living on the land with few barriers. Ocean and mountain views, outdoor rooms, trade winds and sun orientation provide the framework for creating living environments that blur the conventional distinction between inside and outside.

2. Create a Community that reflects the rural, paniolo character of these lands by drawing upon indigenous Building traditions and materials.

These Guidelines define appropriate architectural styles for use at Kohala Ranch. These styles are derived from the plantation and early European and American influenced Hawaiian structures that were particularly well suited to the climate and lifestyle of Hawaii. These structures incorporated wide lanais and generous eaves while utilizing local materials such as rock outcrop and timber from mauka forests.

3. Create a semi-tropical landscape throughout Kohala Ranch which envelopes, dominates and unifies Buildings.

Landscape design at Kohala Ranch emphasizes establishing an appropriate balance between tropical plantings and more arid natural landscape throughout the Community so that the landscape becomes the dominant element. Plantings will be used as integral elements of Buildings by framing and/or baffling views, providing shade and privacy and defining gardens and outdoor living spaces.

1.3 The Heathers II Neighborhood

Bordering Keawewai Gulch, one of the major drainages that traverse Kohala Ranch, the Heathers II Neighborhood enjoys a location offering prime makai views and good solar orientation. Homesites have been planned to take advantage of these assets by careful siting, road layout and, in some cases, minor Lot grading.

Lots have been clustered into smaller discreet groupings to minimize site disturbance and are serviced by a series of mauka-makai roads. Road widths have been minimized to limit site disturbance but provide safe travel to homesites. The developer has installed a neighborhood landscape that gracefully blends new improvements with this spectacular natural ranchland setting.

2 Site and Landscape Guidelines

The following chapter outlines guidelines and standards for all site work relating to the Homesite including grading, planting, siting of structures, design of outdoor areas and preservation and enhancement of the natural landscape.

2.1 Site and Landscape Design Objectives

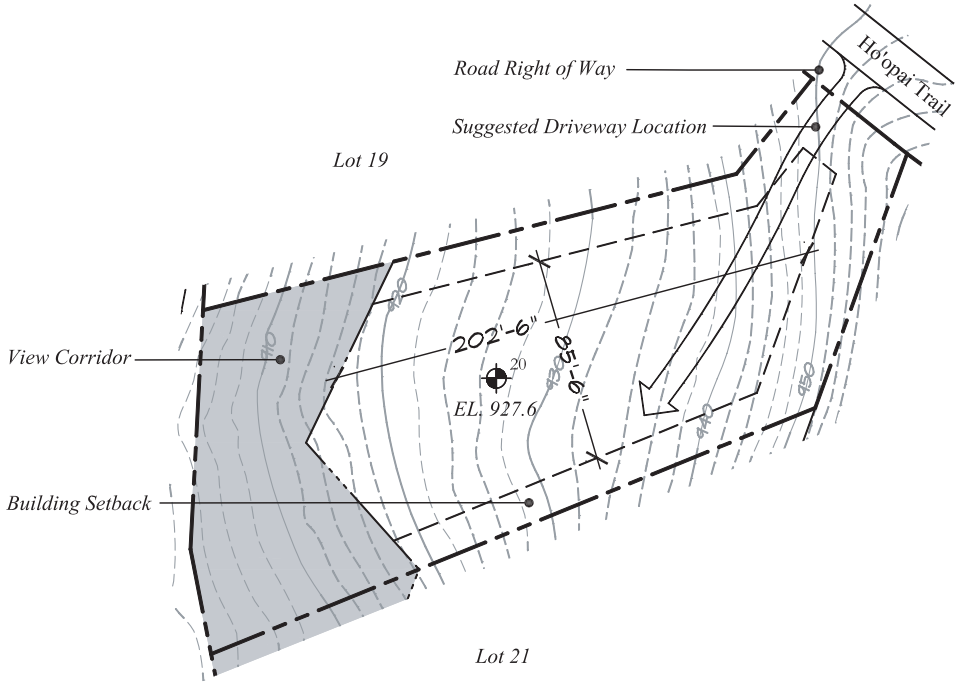
Design Objectives

The following are the main objectives for landscape and site design at Kohala Ranch:

- *To utilize plants, landscape structures and details that draw upon the indigenous landscape and Building traditions of Hawaii.*
- *To establish appropriate tropical or semi-arid landscapes that envelope Buildings and blend them into the surrounding site.*
- *To design and landscape outdoor spaces that are natural extensions of indoor spaces–so that the traditional boundaries between indoors and outdoors are not barriers.*
- *To preserve and protect distinctive rock outcrops, existing vegetation and cultural sites throughout the Community.*
- *To utilize plant palettes that are sensitive to water conservation.*
- *To revegetate and rehabilitate areas that may have been impacted by grading or ranching operations.*

DRAFT

Kohala Ranch
Heathers II
Lot 20



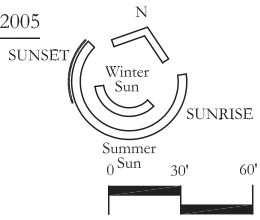
County of Hawaii RS-20 Required
Minimum Setbacks:
Front 25'
Rear 25'
Side 15'

LEGEND

Aug 2, 2005

View Corridor

Lot Boundary
Drainage Easement
Building Setback Line
Staking Point



Lot Area: 0.81 Acres ±
Maximum Finish Floor Elev.+927.5'
Building Height Max.: 20'

Purchasers are advised to verify the same and other site conditions prior to commencing construction by obtaining a survey from a registered surveyor. All elevations are from sea level which is elevation 0'.
This material as presented is not intended as a substitute for onsite inspection and independent determination by owner of the attributes of the homesite which are suitable for satisfying owner's intended purposes.
Equestrian easements and landscape setback boundaries shown on this diagram are approximate and are for information only.
As diagrams are generally prepared prior to the approval of Final Subdivision Maps, there may be inconsistencies between the diagrams and the Final Subdivision Maps. Every effort has been made to update the diagrams to the Subdivision Maps, but owners are encouraged to confirm all relevant lot characteristics with the approved Final Subdivision Map on file with the local jurisdictional agency. These diagrams are not a substitute for a lot survey, and no representation regarding the accuracy or completeness of the information shown on the diagram is made. Buyer is to provide their own topographic survey. On some lots, minor grading has occurred and topography illustrated may not include that information.

Figure 2.2a - Homesite or Lot Diagram

2.2 Lot Diagrams and Site Planning

A Homesite or Lot Diagram has been prepared for each Lot which describes the unique attributes of that Lot and indicates important design parameters such as View Corridors, Easement areas, maximum finish floor elevation, maximum Building Height, drainage areas, any special restrictions, suggested driveway access and other conditions that may effect the home and site design. See Figure 2.2a.

Lot Survey

Buildable Area locations were determined based on the specific characteristics of each Lot, zoning criteria and on the planning and design objectives for Heathers II, specifically:

- minimizing grading and tree removal;
- maintaining view corridors;
- maximizing privacy;
- protecting natural drainages throughout the Community;
- protecting and enhancing the existing landscape;
- preserving the dominance of the natural setting by siting Buildings where they will blend into the site.

Each Lot is organized into the following areas (see below for a description of the design intent and allowed improvements):

- The *Buildable Area*, where all improvements must take place, and,
- The *View Corridor*, Setbacks and Easements where little or no landscape improvements may take place.

The Buildable Area

Buildable Areas are areas designated on the Lot Diagrams within which all Improvements or site disturbances on the Lot (all buildings and private outdoor spaces except utility connections, some landscape, drainage work, minor grade tie-ins, some fencing and/or retaining walls and driveways) must take place.

Buildable Areas comply with setback criteria and respond to natural features such as topography, vegetation, lava outcrops and view orientation. Creative site planning and architectural design solutions that embrace these assets are encouraged.

The ACC will consider, on a case-by-case basis, minor adjustments to the shape and size of the Buildable Area if the benefits of such an adjustment to the Homeowner and the Heathers II Community are demonstrated.

The Buildings must conform to the maximum Building Height requirements set forth in these Guidelines and as indicated on the Lot Diagram.

Generally, the landscape within more private zones of the Buildable Area is not visible from neighboring Homesites, the *Common Areas* or the street because it is screened by privacy walls, Buildings and/or other landscape elements. When this is the case, the Owner has more flexibility in creating a more ornamental and varied landscape provided that plants are selected from the Approved Plant List in Appendix B, are in accordance with Hawaii County regulations, and are not visible from adjacent *Common Areas*.

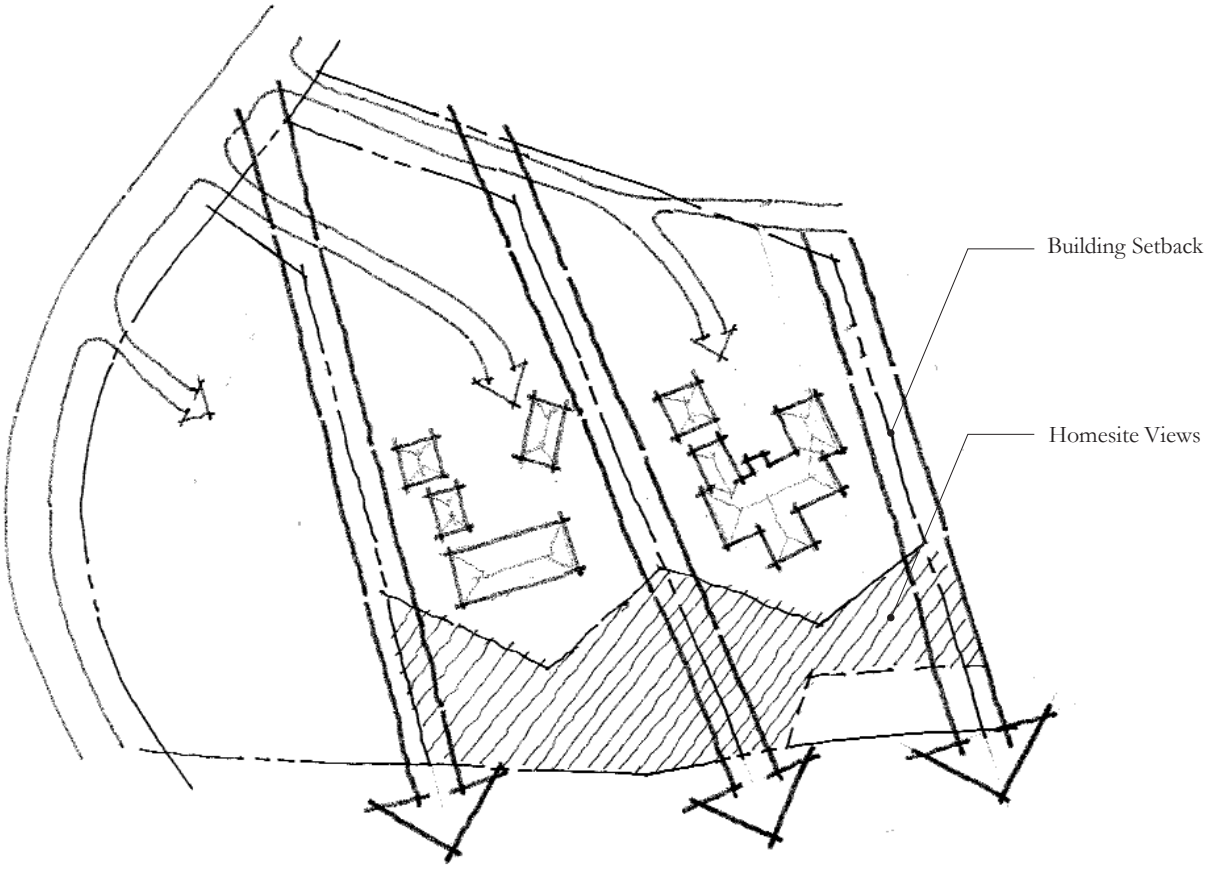


Figure 2.2b - View Corridors

On some lots, large portions of the Buildable Area landscape may be visible from off-site. For these lots it is strongly encouraged that the landscape design transition from the lusher palette generally allowed within the Buildable Area to a more arid palette that is typical of the natural environment.

The View Corridor

The View Corridor is the portion of the Lot intended to protect homesite views and must remain as natural grassland and Kiawe or be re-landscaped by the owner if previously disturbed by minor grading tie-ins. On some lots, portions of the View Corridors have been planted and improved by the Developer in order to establish an overall landscape framework for Heathers II. It is the responsibility of the Homeowner to blend into, augment and maintain any existing or new landscape in the View Corridors. No Building Improvements of any kind may be done in this area. Minimal grading for driveway access, utility connections and to accommodate drainage is allowed within the View Corridor. See Figure 2.2b.

Setbacks

Setback area is the portion of the Lot bordering the front and side lot boundary lines (rear lot boundary lines in some cases), and is intended to provide a visual and/or grade transition between the community landscape and the more private Buildable Area. Generally, the side yard setbacks correspond to the County standards, as shown on the Lot Diagrams. In some cases, the side yard setbacks are larger than County standards, to accommodate grade transitions between neighboring Buildable Areas. It is the intention that the side yard

landscapes be limited to small trees, low shrubs and terraced retaining walls or low privacy walls to maintain open views between Buildable Areas. Generally, landscaping (particularly trees or palms) planted in improper areas or whose heights or mass are poorly considered are the culprits in blocking views. Accordingly, location of these types of plant materials will be carefully reviewed by the ACC and should be limited to directly in front of or behind the mass of the home, leaving the spaces between homes relatively open.

Front yard setback landscapes should transition between the natural, ranch influenced community streetscape and the more lush landscape of the individual Buildable Areas.

Easements and Buffers

Easements include designated areas for special landscape treatment, community trails or utility connections which have been placed within an Association Easement. Unless approved by the ACC, these areas are restricted from any development or disturbance (including paths, patios, Buildings, landscape structures and/or grading) in order to preserve the natural or recreated landscape or access.

Several of the lots contain 100' Landscape Buffers. Within these areas, improvements are allowed that do not require a building permit, such as minimal grading, lanais, fences and walls to 4' in height, and Natural landscape plantings.

2.3 Lot Design

The elevation, orientation and landform of the lots in Heathers II are such that they afford the buyer ocean views with a minimum of land manipulation. Accordingly, Homeowners and their design team are strongly encouraged to develop architectural and site designs that preserve the existing topography, stepping the house with the natural gradient. Grading should be kept to the minimum required to create a reasonable Building area within the Buildable Area. See Section 2.5 for additional grading requirements.

2.3.1 Combining Lots

In cases where the Owner owns two or more contiguous Lots and wants to combine two or more Lots into a single Lot, the Owner must receive the consent of Hawaii County and the ACC. A revised Building Envelope will be prepared by the ACC with input from the Owner and their Consultants. The total dimension of the side yard setback of the revised Building Envelope will be equal to or greater than the sum of the side yard setbacks of the uncombined Lots. The revised Building Envelope shall be approved by the ACC prior to submitting the subdivision application to Hawaii County. Following approval by the ACC, any required regulatory approvals will be the responsibility of the Owner.

2.3.2 Lot Survey

Prior to commencement of design, it is the responsibility of the buyer to obtain a survey by a Surveyor licensed in the State of Hawaii to confirm existing grades, natural features and any other features or Lot attributes that would affect the design of any Lot Improvement. See Appendix E - Lot Survey Requirements.

The ACC will carefully review issues relating to Building Mass and scale when reviewing a home on combined Lots. Homeowners and their design team are encouraged to be sensitive to these important issues when preparing their applications.

2.4 Building Coverage and Minimum Floor Area

In no case shall Building Coverage, exclusive of driveways, unroofed decks and balconies, or overhangs, exceed 30% of the total Lot area. Minimum Floor Area for interior space, basements, and outdoor rooms is 2,000 square feet, not including garages and carports, for all new homes on a single Lot. The ACC will be reviewing applications to ensure that all Improvements are appropriately scaled to the Lot and surrounding landscape. For Floor Area and Building Coverage definitions, refer to Appendix A - Definitions.

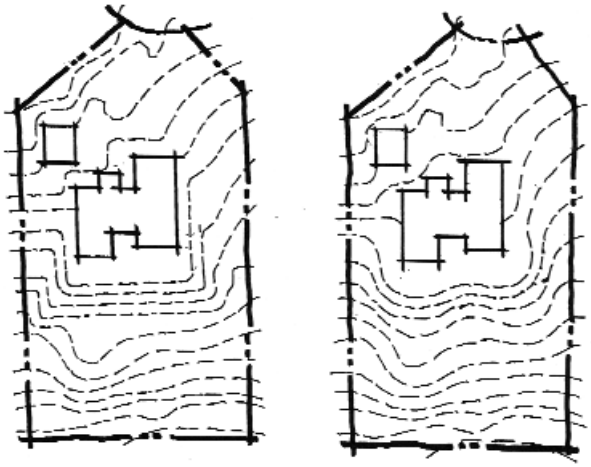
2.5 Grading and Drainage

Objectives

- *To blend new Improvements into the site.*
- *To maintain and preserve the natural drainages on the site and encourage percolation.*
- *To retain the character of the site's natural topography by minimizing grading disturbance.*
- *To minimize tree removal.*

Grading Guidelines

- Pad Grades Adjustments may be acceptable and will be reviewed on a case by case basis by the ACC, provided that transitions to adjacent Lots or existing grades can be accomplished in a naturalistic manner. In very unusual circumstances, and at the discretion of the ACC, pad grades may be raised. If a pad grade is raised, the roof ridge height will be calculated from the original pad grade. Minor lowering of pad grades (1 foot–2 feet) is allowed. When a pad grade is lowered, the maximum Building Height will be calculated from the new pad grade.



Engineered Slope
Unnatural long, straight landforms shall be avoided

Undulated Slope
Reduces the unnatural appearance of graded slope

Figure 2.5

- All cuts, fills, and retaining walls must create smooth transitions at top and bottom of slopes and appear to be extensions of natural landforms. In general, finished slopes shall mimic the natural topography. Long, straight landforms shall be avoided, while rounded flowing forms are encouraged. Cut and fill slopes are to be undulated to reduce the unnatural appearance of engineered slopes, and are to vary between 3:1 and 4:1 slopes minimum. See Figure 2.5.

- For Buildable Areas that are located on top of or straddle ridges, the suggested finished floor elevation indicated on the Homesite Diagram generally requires a slight cut in the ridge. Grading should respond to the ridges, creating stepped Buildings that follow the general profile of the ridge. In general, raising the elevation of ridge top Lots by the addition of fill will not be approved by the ACC.

- Building pads shall be confined to the minimum amount necessary to provide for Buildings. Stepped foundations which respond to the land forms are to be used.

- The height of cuts and fills may not exceed 8 feet when measured vertically from existing grade to finished grade, unless it can be demonstrated that a larger cut or fill minimizes site disturbance and is consistent with the aesthetic goals of these guidelines.

- Slopes shall not exceed 3:1 unless it is a rock cut or it can be demonstrated that a steeper slope will not erode. When 3:1 slopes are used, their visibility shall be minimized and incorporate a landscape treatment that mitigates the abrupt visual character of the slope. Natural slopes are to be used instead of structures wherever feasible.

- In general, all grading shall be completed within the area defined by the site setbacks. The ACC realizes that some utility, driveway and/or drainage-related grading may need to occur in the Natural Area on a limited basis.

- Grading and Building design solutions that step with the natural topography and minimize site disturbance are strongly encouraged.

- Cut and fill slopes are to be re-vegetated with plantings appropriate to the site or with rockscaping to blend them into the surrounding environment.

Erosion Control Guidelines

- All owners are required to install erosion control devices at the perimeter of any site disturbance. At a minimum, these will consist of silt fences and/or diversion berms along with a settlement basin. It is the responsibility of the Owner's Contractor to ensure the proposed erosion control methods are adequate and maintained throughout the construction period.

- Re-vegetation of cut and fill slopes shall be completed as soon as possible following grading and erosion control measures implemented prior to commencement of grading. Vegetation shall be re-established in a comparable density and pattern to that which exists in the adjacent undisturbed areas.

2.5.1 Retaining Wall Guidelines

- The maximum height of retaining walls is 6 feet as measured from the lowest finished grade level to the top of the wall. Retaining walls include any wall that retains earth 2 feet or more in depth. Retaining walls shall be built to extend and/or blend with the existing topography. See figure 2.5a.

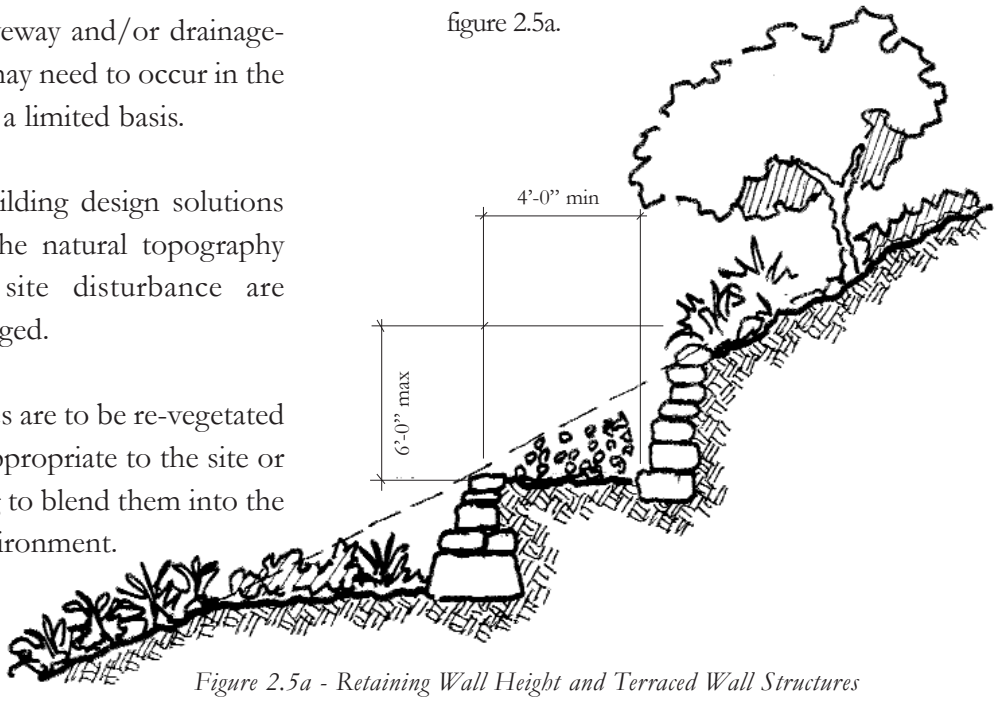


Figure 2.5a - Retaining Wall Height and Terraced Wall Structures

- Where grade changes exceed 6 feet, stepped-back or terraced wall structures with planting terraces (4 feet minimum width) are to be used. Retaining walls greater than 6 feet may be approved if the Applicant demonstrates that such a design solution minimizes overall impacts to the site. See Figure 2.5a.

- Retaining walls that face *Common Areas* must be faced with the same stone utilized for walls in the Community *Common Areas*. All retaining walls visible from off site shall utilize natural stone in a dry laid, stacked pattern that is structural in appearance. Mortar jointing or thin stone veneers are unacceptable.

- Acceptable materials for retaining walls include dry stacked or facing stone over a structural wall, or stucco walls with landscape screening. See Figure 2.5 b & c - Retaining Wall Finishes.

- Stone or stone-faced walls are to be designed with a minimum 1:12 batter if the overall wall height exceeds 3 feet.

- The tops of walls are to be shaped to blend with natural contours. Ends of walls shall not be abrupt, but are to be designed to create natural-looking transitions with the existing landforms and vegetation.

Figure 2.5b - Retaining Wall Finishes - Stacked Wall

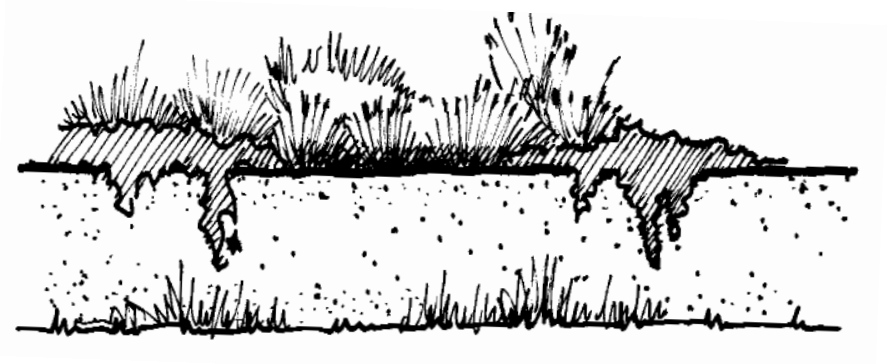


Figure 2.5c - Retaining Wall Finishes - Stucco

- Stacked lava boulder retaining walls (Figure 2.5b) may be approved provided they either:

  - Are "fitted" stones with ample planting crevices or pockets, or;

  - Appear as natural lava boulder slopes with planting.

  - "Green wall" type of crib retaining walls may be allowed by the ACC provided these walls are not visible from off site and are planted with appropriate species and in a density that will result in full coverage after two growing seasons.

2.5.2 Drainage Guidelines

- In general, increased water flows on Lots shall be detained on-site and directed into improved channels that detain water and encourage percolation. The historical entry and exit of water and flow rate on a Lot must be maintained. Drainage from impervious surfaces may not be directly dispersed into natural stream beds. Every effort shall be made to maintain and not to increase the amount of the historic water flow in existing streams.

- Grading on the high side of the lot shall divert drainage away from buildings.

- No changes shall be made to the natural or existing drainage patterns on any Lot that could cause an adverse effect upon another Owner, *Common Areas* or upon the natural flow of water in the streams.

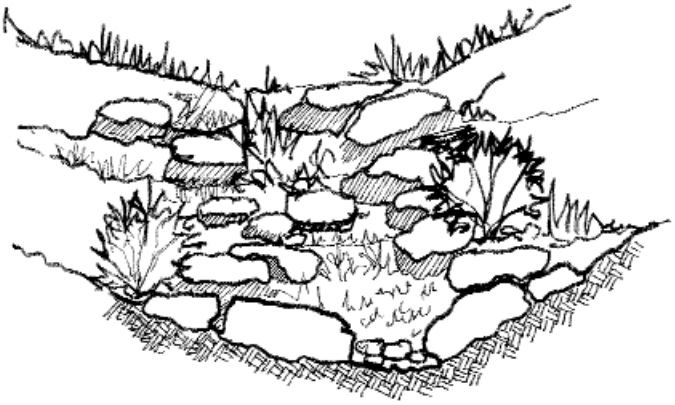


Figure 2.5d - Natural Gulch

- Drainage design shall reduce erosion, runoff, and adverse impacts to water quality and encourage percolation.

- Improved channels or drainage Improvements are to be designed to appear and function like natural drainage ways. Any on-site drainage outlets shall utilize an energy dissipation device to reduce stormwater impact. See Figure 2.5d

- Culverts shall be sized to accommodate 100-year flows or as specified by the Consulting Engineer. Culverts, bridges, and other constructed drainage structures shall be completed with headwalls and must be constructed of colored textured concrete or stone and blend with surrounding areas.

- Materials for all culverts, or other visible drainage structures, are to be approved by the ACC. Concrete or metal culverts rather than plastic shall be utilized. The ends of culverts shall be blended into the landscape by utilizing boulders, planting, coloring and/or painting the interior of the culvert a dark color.

- Stone facing is required of all headwalls or similarly related drainage structures visible from off site. See Figure 2.5e

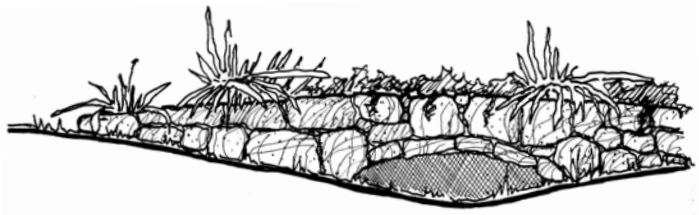


Figure 2.5e - Culverts

- When appropriate, gutters and downspouts will direct drainage from the roofs to on-site drainage collection areas. Gutters and/or downspouts are prohibited from draining onto adjoining Homesites or directly into natural drainages.

- In general, when utilizing rip-rap treatments for erosion control the following Guidelines shall be followed to create a more natural looking drainageway:

  - Site rock may only be used in a manner that minimizes disturbance to existing undisturbed rock outcrops and emulates a natural gulch.

  - Utilize rocks that are a variety of shapes and sizes.

  - Locate splash bowl or stone splash block at downspout or scupper locations to dissipate the energy of the water.

  - Slopes shall not look "engineered" or abrupt.

2.6 Driveways and Auto Courts

Objectives

- *To minimize visibility of paved areas from neighboring Lots through careful siting, design, use of architectural devices and use of grading and landscape.*

- *To blend driveways into the natural terrain so that grading and tree removal are minimized.*

- *To utilize, where possible, local materials and/or pervious materials for paving (such as crushed cinder, turf jointed pavers or turf block).*

Guidelines

- All driveways are to follow alignments that minimize grading or other disruption to the site. The driveway-parking-garage layouts are to minimize the visibility of the garage doors, driveways and off-street parking from the street, *Common Areas* and adjoining Homesites.

- Driveways shall be sloped and located as to channel drainage away from buildings.

- Approved materials for auto courts and driveways include lava rock, colored & textured concrete, or asphalt. Colors of finish paving materials shall complement proposed buildings and integrate well with the surrounding earth tone colors of the existing natural landscape.

- Driveways shall be a maximum of 12 feet wide, except at the driveway apron to garage entrances and/or where they provide a turnaround at a garage and/or guest parking. Parking and turnaround

areas must be located within the Buildable Area and comply with all applicable Fire Department requirements. The maximum driveway width where the driveway meets the road is 24' (maximum 6' on each side of driveway).

2.7 Garages and Parking

Objectives

- *To minimize visibility of parking areas through planting, architectural projections and careful siting of garages.*

- *To accommodate all parking needs for the Homesite on the Lot.*

Guidelines

- All Lots shall include an enclosed garage that can accommodate a minimum of two cars.

- Guest parking - Each Lot shall contain a minimum of two additional guest parking spaces (in addition to the required two enclosed spaces). Using a combination of plantings and/or low walls (a maximum of 5 feet) to screen cars from view in unenclosed spaces is encouraged. All guest parking areas and garages shall occur within the Buildable Area.

- Garages must be sited and located so that visibility from the street is minimized. Side entry and/or angled entry garages are strongly encouraged. Separating a three-car garage into two masses (one single car and one two car garage) is required. Front loaded 3 car garages are prohibited. Recessed garage doors (a minimum of 12") and single stall door openings are encouraged.

- Carports may be approved when designed as an integral part of the overall design of the home. Carports that appear to be tacked on and/or constructed with thin column supports and thin-banded fascias will not be approved.

- No on-street parking is permitted.

- On-Lot parking of RVs or similar types of secondary recreational vehicles is prohibited. Parking of boats and trailers is permitted in enclosed garages only.

2.8 Paths, Outdoor Stairs, Courtyards and Terraces

Objectives

- *To create outdoor spaces that take advantage of the climate through the use of plantings, walls, architectural devices and/or landscape structures.*

- *To utilize materials that enhances the architecture and materials of the Building.*

- *To create Outdoor "Rooms" which are natural extensions of the indoor rooms of the Residence.*

Guidelines

- All paths, outdoor stairs and terraces are to be located within the Buildable Area.

- The use of 'natural' materials such as stone, wood, and/or cinder is encouraged. Concrete may be used provided it is colored and textured to complement the Residence.

- Extending flooring materials from the inside of the Residence to the outdoor spaces is encouraged.

- Designs shall minimize the use of several different types of paving materials in order to produce an understated, unified design.

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

2.9 Walls, Fences and Gates

Objectives

- *To construct walls, fences and gates that utilize and incorporate indigenous Building materials and design motifs of the region.*

- *To design walls, fences and gates that are related to and are natural extensions of the Buildings.*

- *To achieve privacy through berming, low walls and careful Building and planting design, thereby minimizing the need for higher privacy walls and fences.*

- *To provide a unifying element along the streetscape by limiting fencing materials.*

Fence and Wall Guidelines

Historically, fences and walls on the Big Island were used to contain cattle or define areas where only members of the ali'i or priests could enter. These dry laid walls were built using the readily available lava rock and responded to topographic undulations. Numerous examples of historic paniolo walls that created cattle enclosures can be seen throughout the Community.

At Heathers II, walls will be an important element that will provide structure and character to the Community landscape. Taking inspiration from local historic precedent, only lava rock walls, hogwire and Kiawe post or rail fences will be permitted within the Community.

The following design criteria apply to fences and walls that are visible from the *Common Areas* of the Heathers II and Kohala Ranch Community regardless of whether they are retaining or free standing or of they are faced or structural:

- A fence or wall fronting the paved road and within the front yard setback shall be a rail fence (Ohia or other natural wood) or lava rock wall. In certain highly visible areas, such as lots fronting Kohala Ranch Road, the fence and /or wall treatment will

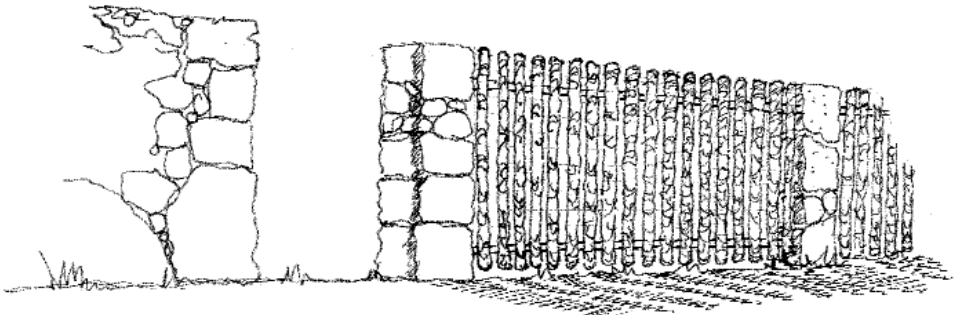


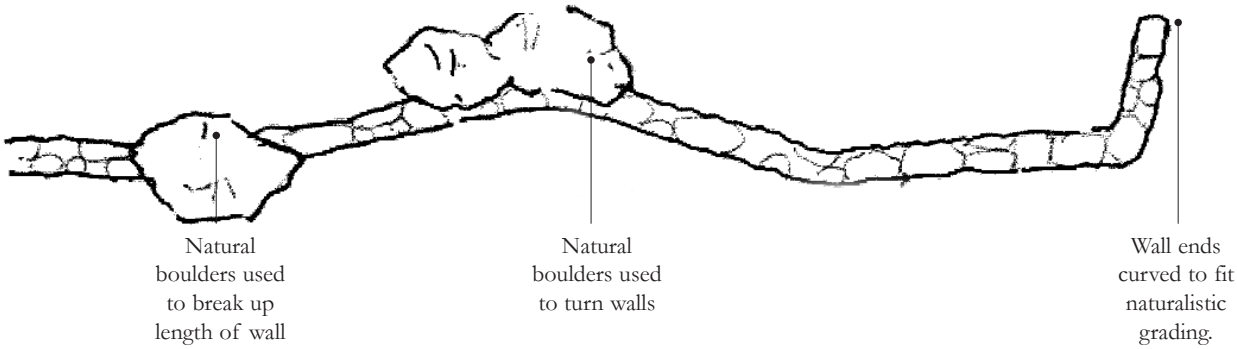
Figure 2.9a - Fencing Examples

be carefully studied by the ACC, to ensure that the character of the wall or fence is consistent with and enhances the overall character of the Kohala Ranch Community. See Figures 2.9a

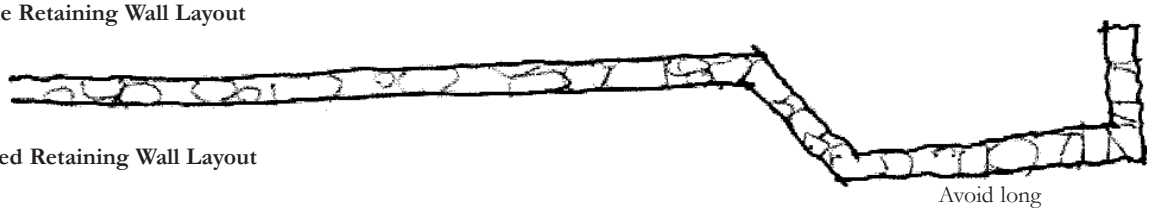
- In general, the use of fencing and walls is discouraged unless used as an architectural accent. When fencing is used, Fence, wall and gate designs shall borrow from the region's paniolo Building traditions and incorporate unpainted wood or paniolo-type post and wire , handcrafted details and/or hardware, decorative metal and regional Building materials (such as lava rock, local woods). Wood should be allowed to weather naturally.

- In general, freestanding privacy walls along property lines or Buildable Areas are strongly discouraged, (except for lots fronting Kohala Ranch Road). Where an Applicant demonstrates that a grading or landscape solution to screening is not practical, the freestanding walls shall be a maximum height of 6' from finished grade. It is encouraged that wall heights are as low as possible to achieve their purpose. Wall designs shall be extensions of the architecture of the Building.

- Site walls shall incorporate multiple offsets and vertical variation to follow the existing topography and avoid long straight lines in the landscape. See Figure 2.9b.



Allowable Retaining Wall Layout



Proscribed Retaining Wall Layout

Figure 2.9b - Retaining Wall Layout

- Vinyl clad cyclone fence will not be permitted.

- Pool security fencing shall meet the requirements of Hawaii County. Incorporating grade changes in conjunction with fencing to meet these requirements is strongly encouraged.

- Walls in rear yards shall make a smooth transition to natural grade. Solid walls enclosing the entire rear yard that are highly visible from *Common Areas* or other lots are not permitted.

- Except as otherwise permitted under these Guidelines, all walls shall be constructed of or faced with rock outcrop. Walls should appear to be built from the site collected rock and larger boulders.

- Walls should undulate with the topography and have a softened angle layout that emulates historic wall construction.

- Jointing should have a stacked, dry-laid structural appearance.

- Rock walls 3' and taller are to be battered at 1:12 and incorporate a mix of sizes and shapes with larger stones predominating at lower levels. See Figure 2.9c.

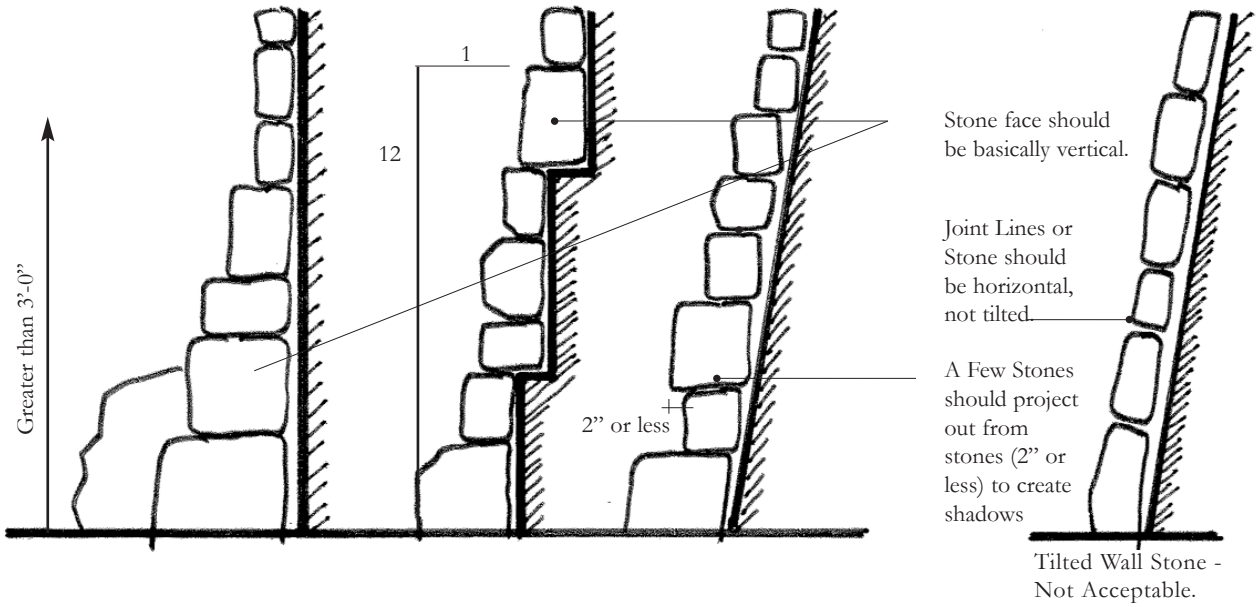


Figure 2.9c - Batter Stacked Rock

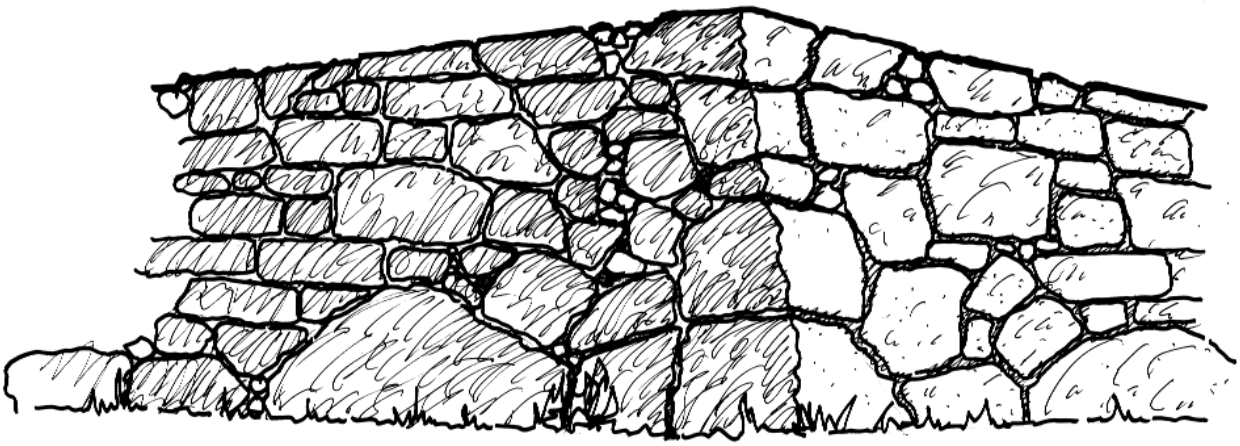


Figure 2.12d - Woven Wall Corners

- Corners of large walls should use larger anchor stones or be "woven" together. See Figure 2.9d.

2.10 Landscape Structures

Objectives

- *To design landscape structures that appear as extensions and/or additional Building components of the main Residence.*

- *To incorporate landscape structures which help to ameliorate the climate and create windbreaks, shade, shadow and texture.*

- *To create a "ceiling" plane for outdoor spaces.*

Guidelines

- Landscape structures such as arbors, porches, gazebos, greenhouses and/or decks must be located within the Buildable Area. They must be sited and designed so that they do not impede views from neighboring lots.

- The height, color, materials and style used for outdoor structures are to be the same or similar to the Residence.

Figure 2.10a - Exterior Rooms

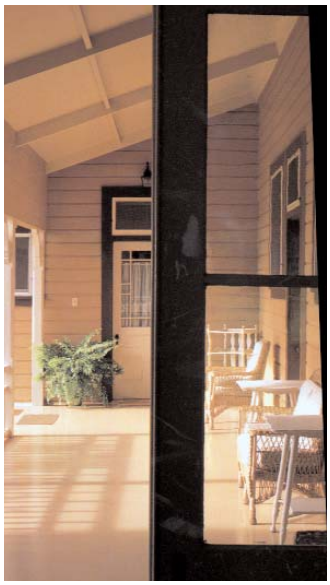


Figure 2.10b - Porch

- In general, the same Guidelines that apply to architecture apply to the design of landscape structures. The ACC will require the height of an outdoor structure to be substantially lower than that allowed for the main residence.

- Wood Decks–When wood decks are employed, they must meet the following guidelines:

  - Decks shall appear to be an extension of the structural components of the house. Decks with small structural supports, creating a "tacked-on" appearance, are unacceptable.

  - Decks not connected to the home should meld effortlessly with the existing topography and vegetation.

  - Decks that have undersides visible from neighboring Lots or *Common Areas* must be enclosed or planted with vegetation to screen the underside from view.

2.11 Planting

Objectives

- *To ensure that the existing landscape character is maintained by utilizing appropriate enhancement, rehabilitation and protection techniques.*

- *To utilize plant materials that are predominantly from the plant communities found on site and/or are appropriate to the semi-arid climate.*

- *To utilize plant palettes that are sensitive to water conservation.*

- *To repair, restore and rehabilitate areas impacted by grazing or erosion with native or naturalized species.*

2.11.1 General Planting

Guidelines

- In general, the planting design for the Lot should utilize naturalized grasses and/or shrubs, Kiawe and lava outcrops that adjoins any site improvements.

- Plant materials are to be used to help complement structures and provide shade, texture or a focal point for outdoor rooms. Shrubs may be used as informal low walls and trees may be used to provide scale for Building masses.

- An Approved Plant List with acceptable plant materials is located in Appendix B. This list indicates what areas of the Lot a plant is best suited. In general, indigenous species are to be integral to the overall landscape design.

- Planting of trees must take into consideration views from adjoining Lots. The use of tall palms or large canopy trees where views from adjoining Lots would be impacted are not permitted.

- Landscape plantings proposed for use that are not on the Approved Plant List shall be identified on all landscape submissions with a full description of the plant and why it is proposed for use. The ACC reserves the right to disapprove of any plant they find not to be compatible with the environment.

- The prohibited plant list in Appendix C consists of plants with characteristics that are inconsistent with the objectives of the overall Community landscape design. This list is not intended to include all unacceptable plants. The ACC reserves the

right to reject any plant for any reason to protect the integrity of the Community landscape design concept. The general intent is to use primarily native or naturally occurring plant material.

- New tree planting should be strategically placed on the Lot to anchor the building to the site, screen views of the home from critical View Corridors, frame off-site views or transition the introduced landscape to the existing landscape.

- Site-found lava or rock may be used in the landscape if appropriate to the particular site and setting. They shall be partially sunk below grade and should be massed in groupings to appear as natural rock outcrops.

- All trees, shrubs, and ground covers must be maintained properly. All dead or dying plants shall be replaced within 30 days of notification to the Homeowner by the ACC. Maintenance for seasonal planting will be required in the off-season to remove all dead or damaged growth, leaf litter or other debris.

- Salvaging and stockpiling of any on-site topsoil from the existing site for use within the permanent landscaping is strongly encouraged.

- Mulching - Mulching is to be implemented utilizing the guidelines below:

  - In general, the aesthetic intent of mulching is to extend the native, undisturbed grassland understory up to the built Improvements on the Lot.

  - Recommended mulch materials include cinder in a color that approximates the surrounding rock outcrops or a combination of cinder and smaller rock outcrop (2" to 6" diameter) distributed in a naturalistic manner.

2.11.2 Buildable Area Planting Guidelines

A larger variety of plant material, including non-native species, may be used in the Buildable Area. The Buildable Area is that area of the Lot defined by walls, Buildings, landscape structures and/or plant materials and is not visible from public areas, including adjoining Lots, and/or *Common Areas*.

- The use of trees is preferred in areas close to the house to help blend buildings with the site, accentuate entry areas, provide for climate amelioration, and help to define outdoor spaces.

  To prevent "over planting" adjacent to homes and creating an unnatural looking concentration of trees adjacent to buildings, the tree planting recommendation may be partially met by planting within Setback Areas.

- Tree and Shrub Planting Requirements within Buildable Areas: In order to blend buildings with the site the following plant material shall be planted within the Buildable Areas:

- Five trees, 3" caliper minimum.

- Ten shrubs (five gallon minimum size) per 500 s.f. of building area. Building area shall be rounded up to the nearest 500 s.f. to calculate the number of required shrubs.

- Groundcovers shall be planted in a size and density to create full coverage after two growing seasons.

2.11.3 Transition and Natural Area Plantings

The Transition and Natural Areas shall be planted with the indigenous plant palette of the site in a similar pattern and density as the adjoining undisturbed areas. Plantings are to slowly transition from the more intensively landscaped areas of the Buildable Area to the native landscape of the View Corridor and Setback Areas.

- The placement and groupings of shrubs, ground covers, and trees shall be naturalistic and random and not formal or straight. Owners and their Consultants are to study the existing landscape in adjoining areas for grouping and spacing characteristics.

2.11.4 View Corridor and Setback Area Planting Guidelines

The View Corridor and Setback Areas shall be planted with the naturally occurring plant palette of the site in a similar pattern and density as the adjoining undisturbed areas. Plantings are to slowly transition from the more intensively landscaped areas of the Buildable Area to the native landscape of the View Corridor and Setback Areas.

- The placement and groupings of shrubs, ground covers, and trees shall be naturalistic and random and not formal or straight. Owners and their Consultants are to study the existing landscape in adjoining areas for grouping and spacing characteristics.

2.11.5 Re-vegetation and Restoration of Disturbed Areas

All areas disturbed by construction and/or areas impacted by erosion and/or man-made disturbances shall be fully landscaped and repaired to reflect the dominant character in adjoining undamaged areas of the site.

- Re-vegetation includes using a mix of trees, grasses, and ground covers to achieve a consistent, community-wide approach to re-vegetation. Owners will be required to revegetate disturbed areas utilizing the plants indicated in Appendix B, Approved Plant List. These plants are to be field placed in a random manner that mimics the adjoining character.

2.11.6 Tree Removal & Thinning

The overriding intent of site design at Heathers II is to minimize damage or removal of existing vegetation, providing a serene setting that embraces the home. To this end, clearing, thinning and pruning will be closely monitored by the ACC.

- Prior to any construction activity, trees to be removed shall be identified on the landscape plan.

- Selective removal and/or pruning of trees to improve views on the Lot but outside the Buildable Area may be approved by the ACC. Requests for tree removal/ pruning outside of the Buildable Area will be evaluated based upon view improvement from the home and view impacts to *Common Areas*, View Corridors or neighboring Lots.

- Tree topping, in a manner that results in a "flat topped" tree form, as a means of obtaining views, is prohibited.

2.12 Pools and Water Features

Objectives

- *To locate pools and/or water features where they are out of public view.*

- *To design pools and water features which augment the outdoor spaces, and extend the architectural style of the main Buildings.*

Guidelines

- Pools, spas, ponds and other artificial water features must be built within the designated Building Area.

- In general, pools and water features are to be designed to be integral parts of the Outdoor Rooms and visually blend with the landscape.

- Swimming pool and spa areas must be screened with low landscape walls and/or plantings to minimize their visibility from any *Common Areas*, streets or adjacent lots. Swimming pools and spas, and the doors and gates leading thereto, must be constructed in accordance with the regulations of Hawaii State Board of Health, including fence and enclosure heights. Pool enclosures shall utilize a combination of fencing and grade changes to meet fencing requirements. Design solutions that eliminate the need for a pool fence are encouraged.

- Mechanical equipment must not be visible from adjacent lots and shall be enclosed by walls or other suitably effective screening methods for both visual and sound mitigation purposes.

- The exposed downslope walls of infinity or "negative" edge pools must utilize rock outcrop and darker materials on exposed surfaces. Exposed pool walls or surfaces that are visible from off site must use rock or dark color wall material and/or be screened with shrub, vine and/or ground cover plantings. All infinity edged pools and spas shall use the detail illustrated in Figure 2-12, Infinity Edge Detail.

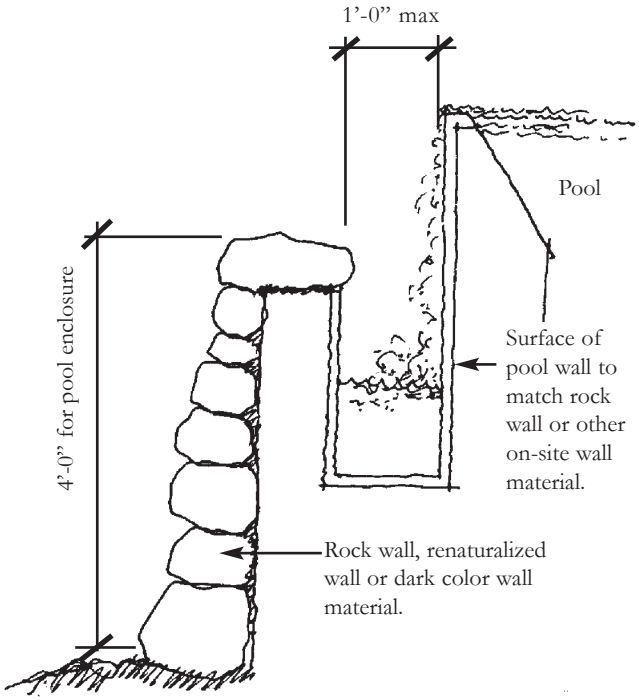


Figure 2.12 - Infinity Edge Detail

2.13 Irrigation

Objectives

- *To minimize the amount of landscape irrigation required.*

- *To utilize irrigation systems that provide efficient water coverage and minimize water usage and runoff.*

Guidelines

- Water is a precious resource, particularly within the mostly arid climate of Kohala Ranch. Accordingly, landscape and irrigation designs for each Homesite will

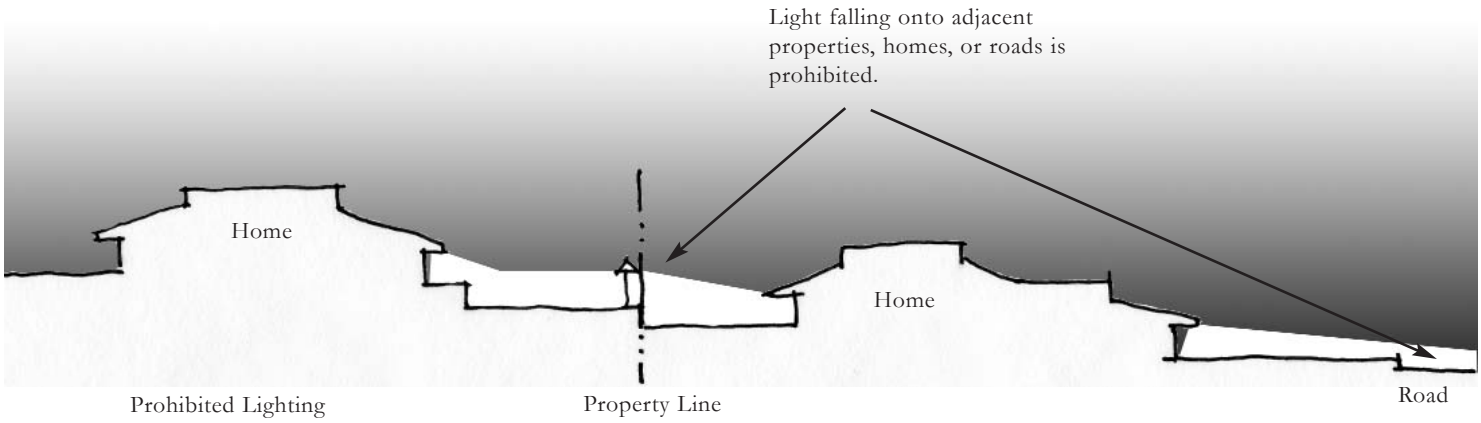


Figure 2.14a - Lighting Concepts

take this factor into account, minimizing water usage. In drought years, it may be necessary for the utility provider to impose restrictions of irrigation water usage.

- Best Management Practices for irrigation design and installation are encouraged.

- A planting medium (soil and amendments) shall be installed for use in all landscaped areas that will have sufficient water retention characteristics that provide for optimum root growth and development.

2.14 LIGHTING

Objectives

- *To preserve the nighttime dark sky by minimizing the amount of exterior lighting.*

- *To utilize low intensity, indirect light sources to the extent required for safety and subtle drama.*

Guidelines

- Exterior Building lighting, either attached to or as part of the Building, shall be the minimum needed to provide for general illumination, safety, and security of entries, patios, outdoor spaces and associated landscape structures.

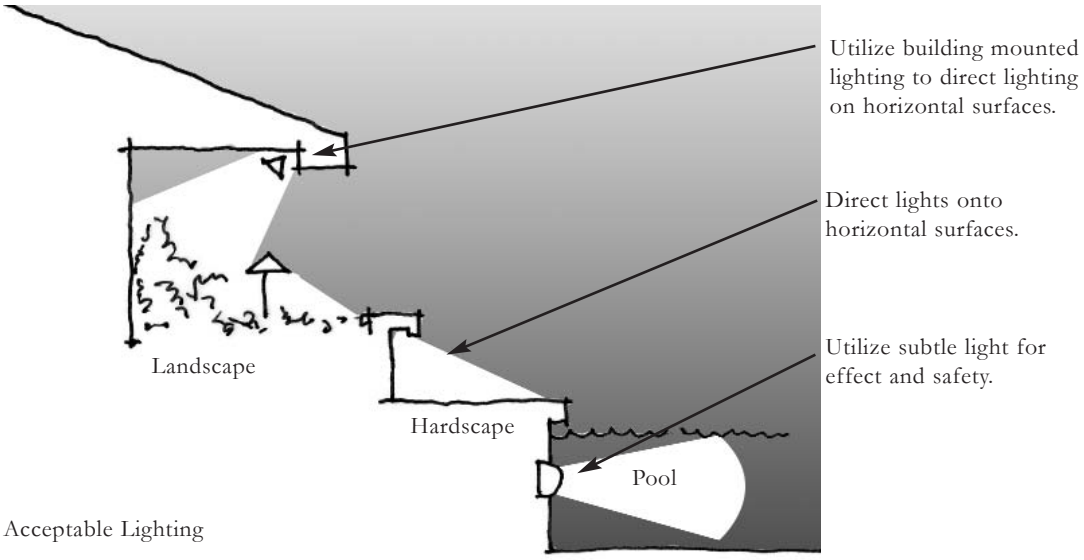


Figure 2.14b - Lighting Concepts

- Site lighting that spills over onto adjacent sites, homes, or roads are prohibited. See Figure 2.14a.

- To preserve the dark sky, uplighting is prohibited. Exterior site lighting must be directed onto vegetation or prominent site feature and not upon the Building and shall be achieved with hidden light sources and down lights from above. See Figure 2.14b.

- Only low voltage lighting, with a maximum of 25 watts, may be used for all exterior site lighting applications. Line voltage may be used for lights on the Building but must be lamped with 25 watt maximum incandescent bulbs.

- All exterior lighting is subject to Hawaii County Ordinance #88-122

- Tennis courts shall be illuminated no earlier than sunrise and no later than 10:00 pm.

- Owners are strongly encouraged to install underwater pool, spa and water feature lights with rheostats so that they may be easily dimmed if it is determined that spillover light from these sources is a nuisance to neighboring Lots/*Common Areas* or is adversely affecting the nighttime dark sky.

- Only incandescent lamps shall be used for all site lighting.

Figure 2.14c - Decorative Lighting

2.15 Exterior Service Areas

Objectives

- *To screen service areas from off-site views.*

- *To ensure any noise or smells from trash or equipment are contained within the service areas.*

Guidelines

- Solid Waste Disposal - Trash and refuse areas shall be designed as integral parts of the Building design. These areas must be screened from surrounding streets, open spaces, and adjoining Lots. Trash enclosure covers with sealed lids shallbe required if it is discovered that odors emanating from enclosures are a nuisance to adjoining Lots or *Common Areas*.

- Outdoor work areas, mechanical equipment and outside equipment (including antennae and satellite dishes, see Section 4.2) are to be completely screened from off-site views by the use of architectural features or plant materials. Where feasible, these areas are to be integrated into the main Buildings.

- Trash container storage areas must be located so that they are easily accessible to service personnel and smells are contained. Trash containers must have sealed lids.

- Fixed BBQs, outdoor kitchens or similar amenities must be located within the Buildable Area regardless of their height.

- Aerobic waste systems shall be located with accessible clean-outs in rear or side yards. Note: the aerobic system must be accessible to large pump trucks every few years. Accordingly, if they are in the back or side yards, there must be appropriate vehicular access to the cleanouts.

2.15.1 Utilities

Pool, Spa, Cooling and Heating Equipment - All equipment shall be located within the Buildable Area and fully screened from surrounding streets, open spaces, and adjoining Lots. Ground-mounted HVAC units are required. Underground vaulting for pool, spa and water equipment is encouraged. The design shall locate units so as to minimize noise associated with the operation or maintenance of the units. Screen walls shall completely enclose the units, with the wall a minimum of one-foot higher than the highest part of the unit. Roof-mounted units on sloped roofs are not allowed. Acoustic wall and/or covers may be required if it is discovered that noise emanating from enclosures are a nuisance to adjoining Lots or *Common Areas*.

Utility Connections - Utility connections are to be installed in driveways or previously disturbed areas. The ACC, in extraordinary circumstances, may allow utilities to run through undisturbed areas. Immediately following installation, these areas must be re-vegetated in accordance with these Guidelines.

2.15.2 Utility Meter Column

Each homesite in the Heathers II Neighborhood will have a utility meter column installed near the street in the vicinity of each property's driveway. The columns shall be constructed of lava rock and shall be the minimum size to support the utility meters installed. In no case shall the column be less than 18" square or greater in height of 4' 0".

For view considerations, all meters shall be installed on the off street side and shall be centered in the face of the column. See Figure 2.15.2a.

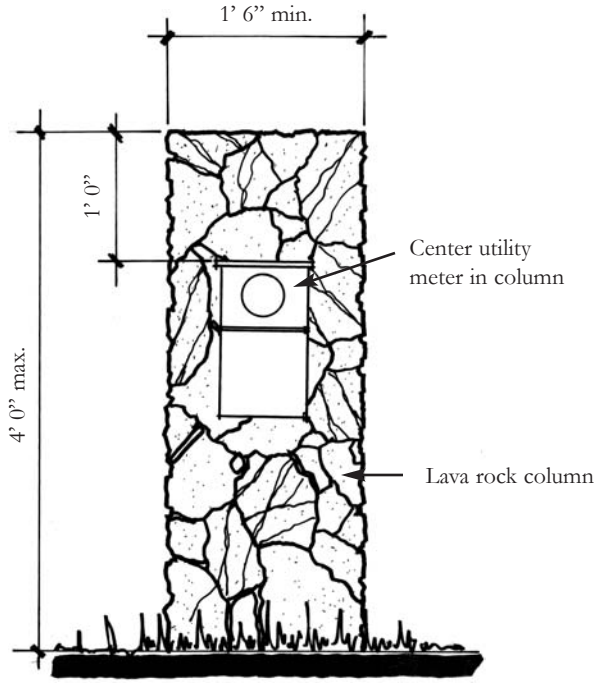


Figure 2.15.2a - Utility Meter Column

2.16 Miscellaneous Site Elements

2.16.1 Sculptures and Artwork

All sculptures and/or artwork visible from adjacent Residences or *Common Areas* must be approved by the ACC prior to installation. No reflective materials or bright colors will be allowed. The Final Design submittal is to include detailed information on size, location, materials, colors, mounting details and lighting.

2.16.2 Flagpoles, Antennae and Satellite Dishes

Antennae and satellite dishes are subject to review by the ACC. If proposed, these items shall be hidden by walls and/or Buildings from view to the maximum extent possible. Flag poles are prohibited.

2.16.3 Address Markers and Mailboxes

Address Markers

Small, discreet address markers, utilizing rustic materials and designs, are allowed outside the Buildable Area. Consult the HOA for a scale and address marker that is appropriate for Kohala Ranch.

Mailboxes

Mail will be delivered to a central location and collected by Lot owners. Accordingly, individual mailboxes located along the street are not necessary and are prohibited.

3 Architecture Guidelines

The following architectural standards have been developed to achieve the environmental, Community and aesthetic objectives for Kohala Ranch.

The intent of these Guidelines is to encourage a diversity of design solutions while at the same time producing a unified design aesthetic for the Community appropriate to this spectacular setting.

3.1 Architectural Design Objectives

The following are the main objectives for architectural design at Heathers II at Kohala Ranch:

- *To create Buildings appropriate to an informally elegant Hawaiian lifestyle.*
- *To draw upon the indigenous Building traditions and design influences of the area, such as Plantation, paniolo, Hawaiian, and Polynesian, to create contemporary Buildings suited for modern lifestyles.*
- *To design Buildings that seem to "grow out" of and blend seamlessly with the site by responding to the climate, landforms, landscape and natural elements.*
- *To create Buildings which respond to the semi-arid climate and create a strong indoor/outdoor relationship.*

3.2 Building Materials and Construction Techniques

Materials and construction techniques are to be high quality, durable and proven in similar applications.

Manufactured and industrial Building materials (with the exception of metal roofs) are to be minimized. Concrete and metals, including structural elements, are to be either hidden or given the shapes, textures, colors, and detailing of wood and stone; large, smooth surfaces and severe straight lines are to be avoided. Metals, such as brass and wrought iron, may be used in typical Plantation and/or handcrafted forms for fastenings and decorative purposes. Materials are to be "rough" rather than smooth, and have an appearance closer to their natural state rather than manufactured.

3.3 Building Height

Objectives

- *To minimize the visual impacts of Buildings and to ensure that they are subordinate to and blend with the surrounding landscape.*

- *To insure that view potential from each Lot is reasonably preserved.*

Building Height Measurement

It is the intent of these Guidelines to encourage Building Heights and forms that follow the existing terrain, thereby creating Buildings that step with the topography. The ACC recognizes that many Building sites will require minor amounts of cut and/or fill to "fit" the home to the existing terrain. Accordingly, the method for determining Building Height addresses sloping terrain and flat pad sites.

Each lot will have a maximum finished floor elevation expressed as an elevation from sea level. The maximum Building Height shall be established by a plane measured vertically above existing or proposed grade (whichever is more restrictive) to the highest point of the roof sheathing. On sloping sites, as the existing and/or proposed grade rises, the maximum roof elevation will rise accordingly to the maximum ridge elevation indicated on the Lot Diagram. In no case may a ridge exceed the maximum allowed by Hawaii County or the elevation indicated on the Lot Diagram.

In general, large stem walls (those in excess of 6' height) are discouraged. Instead building designs that allow the architectural mass to gracefully meet the natural grade should be developed.

The maximum Building Height, excluding chimneys, shall be 18' or 20' for single Story homes and 28' for two story homes. The maximum Building Height for each lot is expressed on the individual Lot Diagrams. See Figure 3.3a Maximum Building Height and 3.3b Sloping Site Ridge Height.

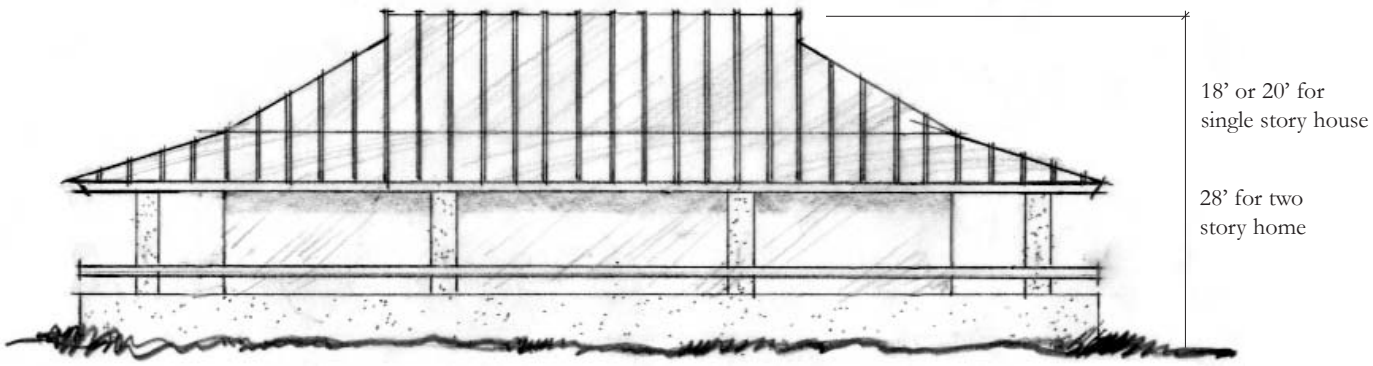


Figure 3.3a - Maximum Building Height

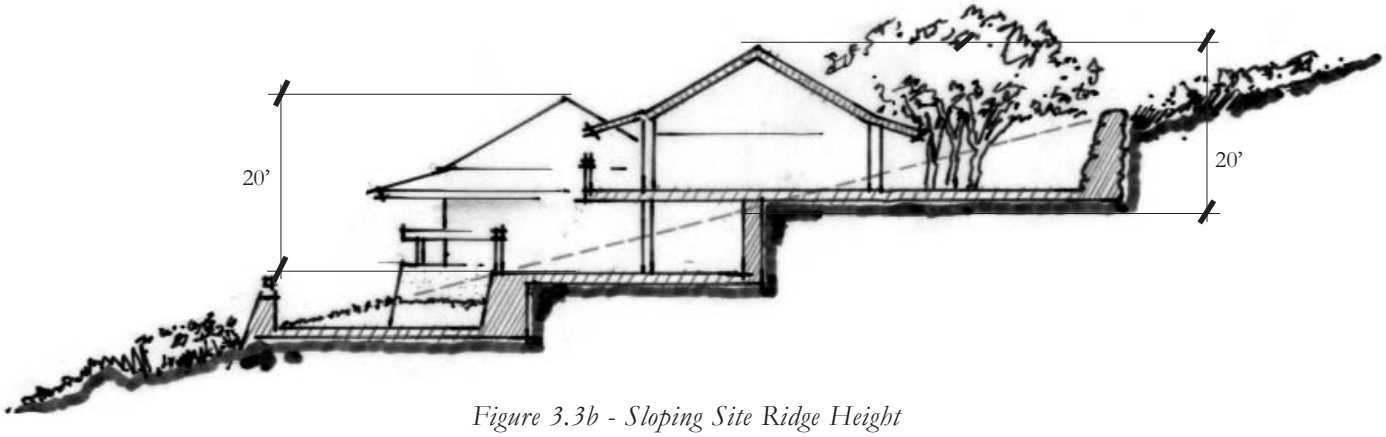


Figure 3.3b - Sloping Site Ridge Height

3.4 Building Forms and Massing

Objectives:

- *To have Buildings respond to their sites' topography and significant vegetation.*
- *To have Buildings reflect the scale and drama of their setting.*
- *To ensure that Buildings have four-sided Architecture that is pleasing to the offsite views.*

Massing Guidelines:

- Each Building shall be constructed as a series of visual Building masses. Each residence should be constructed in at least three visual Building masses as viewed from any elevation.

- The play of light and shadow between Building masses shall be carefully formulated to articulate masses, accentuate entries and/or Building levels and to create texture.

- Building designs shall incorporate varied projections such as wall offsets, trellises, covered porches or verandas that create texture, shade, scale and visual interest.

- Building masses shall not exceed 40' in one direction without a change in roof alignment, wall offset or elevation. An exception may be granted by the ACC if it is apparent that a Building mass bigger than 40' does not visually impact the offsite views to or past the residence.

- Buildings shall be designed to be viewed from all sides.

- Detached garages which incorporate pergolas or trellises to connect to the main Residences are encouraged to avoid large, bulky forms.

- Screening and/or designing service areas as integral parts of the overall architectural composition is strongly encouraged.

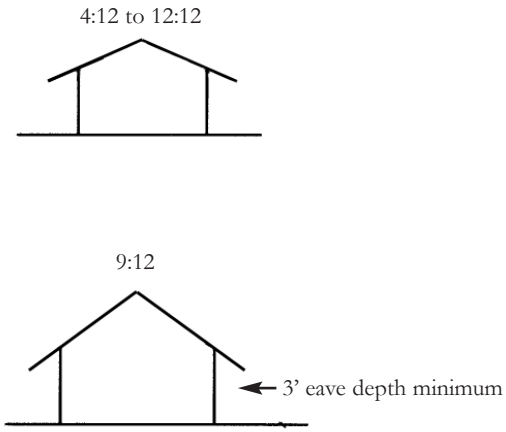
3.5 Roofs

All roofs shall be carefully designed in color, material and shape so that they help to integrate the structure with the site and neighboring Buildings and minimize the overall Building massing. Roofs should incorporate deep eaves and overhangs so that indoor spaces are set deeply into shade. Traditional trusses, braces, brackets and column spacing are to be used where they are needed to keep the appearance of timber framed cantilevers and/or unsupported spans. Trellises and outdoor covered areas may be incorporated into the overall massing but must avoid a "tacked on" appearance.

Roof Forms: Roof forms are to be gable, hipped or double hipped forms. Shed roofs are acceptable when used as a minor element in the overall roof composition.

Roof Pitches: Roof pitches may vary between 4:12 and 12:12 for single pitch roofs. A flatter pitch of 3:12 may be acceptable for shed dormers and lanais. Roof designs shall incorporate pitched roofs and multi-level designs to avoid the appearance of wide, unbroken roof planes as viewed from above or off site. Double pitch roofs are to be between 4:12 and 9:12 for the main pitch and between 3:12 and 5:12 for the secondary pitch. See Figure 3.5a

Single Pitch Roof Sections



Double Pitch Roofs Sections

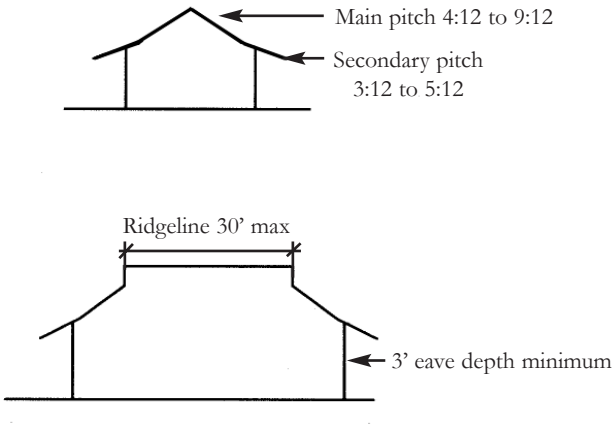


Figure 3.5a - Roof Pitches

Dormers: Dormers may be employed to provide a large scale "texture" to roof forms. Acceptable dormer forms are gable, hip or shed. Dormers must be properly proportioned to the roof. The inside of all dormers must be finished with paint or other suitably finished surfaces.

Eave Depths: Wide projecting eaves are encouraged with a minimum depth of 3'.

Acceptable Roof Materials: Materials for roofs are flat concrete tile, concrete shakes and shingles, or low gloss standing seam metal. Brightly or light colored metal roofs are prohibited. All materials should meet at least Class A fire rating.

Unacceptable Roof Materials: Reflective roof finishes (glossy copper coated to avoid natural weathering), metal roof with a gloss factor exceeding 15 (ASTM D-523), other shiny or glazed finishes that may cause excessive glare, asphalt shingles, wood shingles or shakes or barrel tiles.

3.6 Foundations

The Owner is encouraged to seek the assistance of a licensed Soil Engineer to examine and test soil conditions on her/his Lot prior to undertaking any design or construction. Declarant makes no representations or warranties, expressed or implied, as to the soil conditions.

- The Owner and the Owner's Architect, Engineer and Contractor shall give due consideration to the design of the foundation systems of all structures.
- It is the Owner's responsibility to conduct an independent soils engineering investigation to determine the suitability and feasibility of any Lot for construction of the intended Improvement.

3.7 Exterior Walls and Finishes

In general, it is encouraged that the exterior wall design of all Residences and Improvements incorporate the use of at least two (2) different complementary materials in order to create subtle textural changes and to further articulate masses. Exterior walls composed of a single building material are acceptable provided they support the thematic expression of the home.

Exterior wall design: Walls shall be simple, refined compositions of one or two materials in a logical structural relationship. No building shall use more than three materials on the exterior. Changes in material shall occur on the inside corners of masses or where there is a clear break in the plane of the surface and relate to a structural or architectural volume expression.

Stucco/Plaster: Stucco/plaster is encouraged and should have a hand - crafted appearance and be multihued in color. Monochromatic integral color stucco is unacceptable. Plaster made to appear as if it was placed over stone is also encouraged.

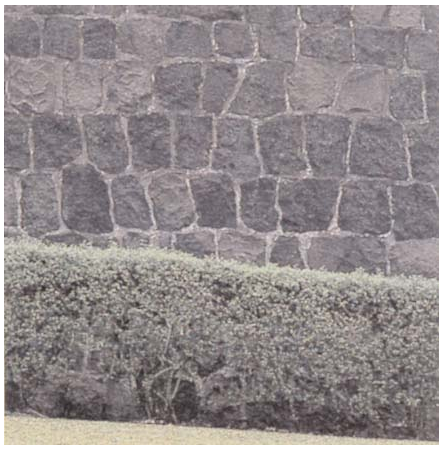


Figure 3.7 - Stone Walls

Stone and/or rock outcrop may be used as a foundation element with wood and/or timber walls above or used as a full height wall articulating a Building volume. Stone walls must have a structural appearance, giving the impression that the wall could stand without mortar. A dry laid appearance is preferred, though mortared walls may be acceptable if the stone coursing has a structural appearance and the joint grouting is recessed and not articulated. Walls are to incorporate a mix of sizes and shapes with larger stones predominantly at lower levels. Thin stone veneers applied in geometric or random patterns that are not structural in appearance are not permitted.

Wood Shingles, Tongue and Groove, Shiplap, or Board and Batten: Wood surfaces may be used to express load bearing walls or as infill panels within frame or stone structures.

Batten depth should be minimum 3/4" thick, and spaced between 12" and 16" apart on center. Battens applied over exterior grade plywood are acceptable. Exposed plywood siding shall not have any "football patches".

Acceptable Materials: Natural lava rock, wood shingles, tongue and groove, wood ship lap, stucco or plaster, plaster over stone, board and batten, or fiber cement. Faux stone is not allowed.

Unacceptable Materials: Materials which are inappropriate are thin stone veneers that are not structural in appearance, large expanses of unshaded glass, vinyl siding, metal cladding and/or exposed concrete block.

3.8 Doors and Windows

All openings for windows and doors are to be appropriately sized to the structural expression of the Building. Generally, windows and doors are to be recessed and shaded by overhanging roofs.

All glass areas are to be recessed a minimum of 4 inches. Greater recesses may be required to scale properly with the glass size. Projecting roof overhangs, balconies, or porches may be utilized to minimize their visibility and reflections when viewed from off site.

Doors: Single or double door units, recessed

4" minimum, paneled wood and/or multi-paned glass are encouraged. Front entryways should be scaled appropriately to the Building

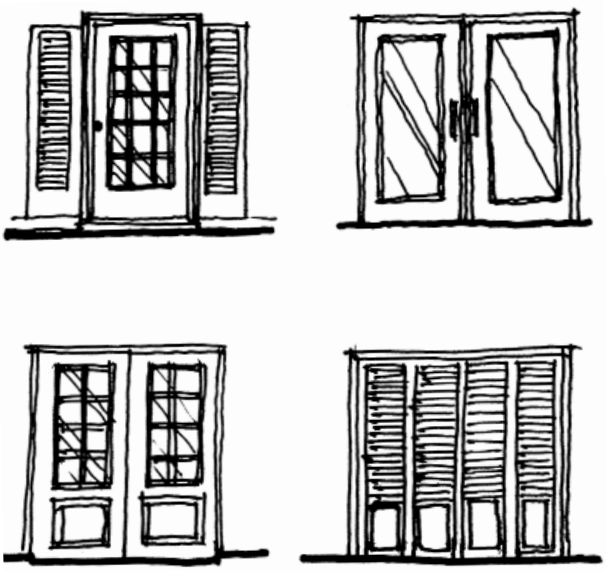


Figure 3.8a - Doors

mass and not be overly stylized or "make a statement." See Figure 3.8a - Doors.

Windows: Window forms may utilize square or vertical shapes, reserving circular, oval, or shallow arched shapes for limited applications of accent windows. Traditional divided lite patterns of 4, 6, or 9 over 1 on single or double hung windows and single, 3, 4, 6 or 8 lite patterns for vertical windows are strongly encouraged. Window frames must project beyond recessed glass surfaces. See Figure 3.8b - Window Designs.

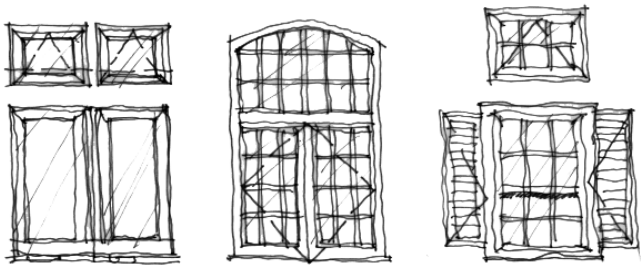


Figure 3.8b - Window Designs

Window and Door Materials and Colors: The use of wood or clad wood is strongly encouraged. Unfinished aluminum or shiny metal is not permitted. Doors, windows and frames may be painted or stained, with their colors and related trim colors selected to match adjacent wall colors or be painted in bolder accent colors.

Accent Trim: Wood and/or stone accent materials shall be used consistently around the structure. Brighter accent colors may be used if employed with constraint.

Shutters: Operable or fixed shutters of wood, naturally stained or painted in appropriate designs that borrow from regional vernacular are allowed. Double shuttered windows shall be full sash height and ½ sash width for the window they adjoin. Single shuttered openings shall be full sash height and width for the window they adjoin. Shutters are to be raised a minimum of 2" from the wall surface to create a shadow and have hardware that appears operable if they are fixed.

Lintels: If employed, lintels shall be rough sawn or refined wood.

Glazing and Glass: All glazing shall meet energy codes. Glass may be coated or tinted to control solar heat gain, but a reflective, mirrored appearance is not permitted.

Hardware: Hardware shall be appropriate to the scale and style of the windows and doors and have a hand-crafted appearance. Acceptable finishes include black iron, bronze, brass or other natural metal finishes.

3.9 Building Projections and Accessory Structures

The use of architectural extensions to provide shade and shadow, protect buildings from the elements and create a strong indoor/outdoor relationship are outlined below. The style and details of these architectural elements should borrow from Plantation, Hawaiian, or paniolo ranch building traditions and be consistent with the architectural design of the main Residence. See Figure 3.8 - Accessory Structures.

Lanai/Porches: Broad, shady lanais are a signature element of Hawaiian residential architecture and shall be incorporated. Lanais that are on multiple sides of the home are encouraged.

Lanais, decks or balconies projecting beyond a wall shall be supported by tone or timber structures less than one story in height. Undersides are to be fully screened from off site by planting or darker color infill materials. Long, unbroken off-grade decks are not allowed.

Pergolas/Trellises: Covered areas that connect separate Building Masses, extend the roofline and/or are freestanding are strongly encouraged and are to be a minimum of 6-feet wide, measured to the support columns.

Entry and/or Side Porches: Porches that provide shelter from the sun or rain and accentuate entry areas are to be a minimum of six feet in depth. Flooring materials are to be natural stone, wood, tile, colored concrete and/or colored concrete with stone and/or tile bands.

In general, the flooring shall be an extension of or natural complement to the flooring used in the interior of the Building.

Railings: Simple, painted, stained wood or wrought iron railings.

Mechanical Equipment, Vents and Flues: Roof mounted mechanical equipment, vents and flues must not be noticeably visible from adjacent Lots or *Common Areas*. Small vents or flues may be painted to match the roof color. Ganging of vents/flues is required to minimize

Figure 3.8b - Chimneys

the number of projections. Roof mounted mechanical equipment is prohibited.

Materials: Materials and colors shall be the same or similar to the main structure(s).

Miscellaneous Projections: All projections including but not limited to, vents, gutters, down spouts, utility boxes, services, etc. must be incorporated into the overall design. These items must be included on the submittals and reviewed by the ACC for approval.

Chimneys: Though limited in use in most Hawaiian buildings, fireplaces and chimneys are sometimes found in older homes. Accordingly, if chimneys are to be part of the architectural design they should follow the following Design Guidelines:

- Fireplaces must be equipped with an approved spark arrester.
- Flue pipes are required to be encased with a chimney enclosure of masonry and supported by a foundation at grade when located on an exterior wall.
- Chimneys located on exterior walls must be structural in appearance and relate to other expressed structural elements in the design. Exposed metal flues are unacceptable.

3.10 Color

The color palette for residences at Kohala Ranch will use muted and recessive colors that will allow the natural colors of the landscape to predominate, complementing rather than contrasting with the setting. This palette is based on the colors and hues of the surrounding geology and landscape. In general, this will require adhering to the following basic color concepts:

- **Earth tones:** Earth tone colors or traditional ranch building colors with their organic origins are encouraged for the primary color composition.
- **Multi-hued:** Large areas of monochromatic surfaces tend to stand out in the sunshine. As a result, colors which have a "tonal complexity" shall be employed.

In dealing with color the ACC will consider the entire Neighborhood as well as the individual Residence for submission.

The ACC will review and approve colors and textures in a three step process. During the Schematic Design phase, the Applicant may describe the color palette and indicate those colors on the exterior elevations. In the Preliminary Design and Final Design Submissions the applicant will submit color and material representations from manufacturers brochures or literature. If requested by the ACC, the applicant shall be required to submit actual color and material samples.

In questionable circumstances, a full-scale mock-up (minimum 4-feet by 8-feet) shall be constructed which accurately conveys all proposed exterior materials, colors, and detailing, including window, overhang, cornice, corner and trim details and/or details, roof section, of areas where one material changes to another. This mock-up must be approved by the ACC prior to the framing observation.

The ACC reserves the right to request changes to this mock-up regardless of previous color and material approvals.

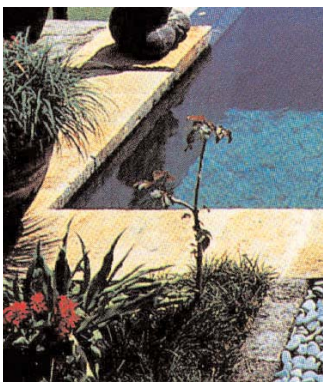
The palette and following guidelines apply to all exterior surfaces of the house, including walls and roofs and all related fences and site walls:

- No exterior materials used shall have a high gloss, glare, or reflective "mirror" type finish.
- Color application should be used consistently throughout each Home for all the Building(s) and related outdoor areas and/or structures.
- Exterior hardscape colors should be complementary to exterior house colors.
- Changes in exterior wall color should be made at "interior" intersections of walls.

Roofs: Colors with a LRV of 32 or lower are required. Medium to dark brown, rust red, green or gray or encouraged.

Walls: Large areas of monochromatic surfaces shall be minimized. Wall surfaces shall utilize texture and/or multi-layered applications of color where possible to achieve subtle color variation on walls.

Trim and Accent Colors: Colors shall blend with, or be complementary to, the predominant building color or match local building traditions.



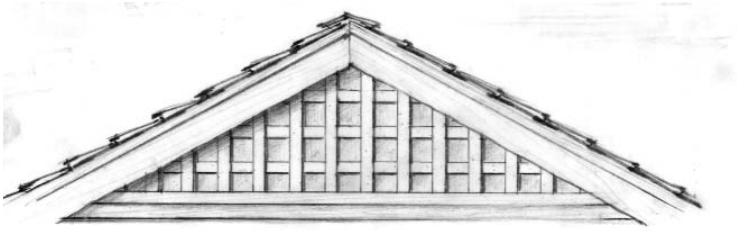


Figure 3.11 - Wood accent

3.11 Decorative Elements

Hawaiian vernacular architecture contains a rich inspirational reservoir of decorative arts that may be incorporated into the Residences. See Figure 3.11 and 3.11a.

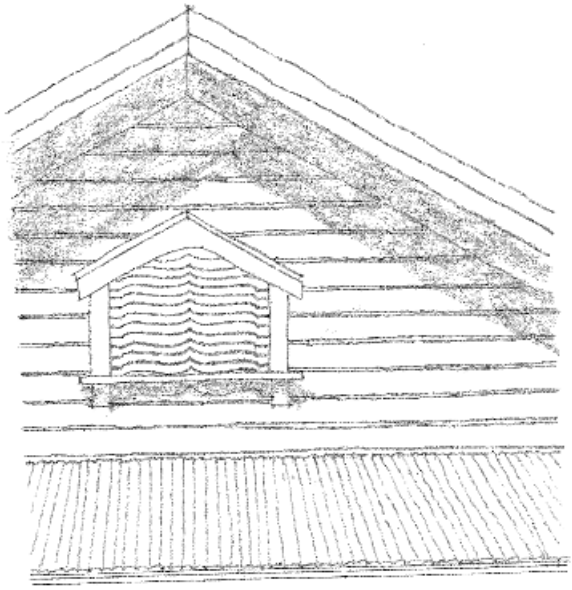


Figure 3.11a - Wood accent

Metals, such as hand forged iron, tin and/or copper, carved stone, and/or carved wood may be used for fastenings, accent areas or for decorative purposes. Forms and motifs are to be consistent with the overall architecture and draw upon the Hawaiian Building and/or ranching traditions.

Wood Accent Elements: Carved wood designs may draw their inspiration from

indigenous crafts such as canoe building, hala weaving and/or textile (tapa) designs, or building techniques of the region that grew out of ranching traditions and/or utilize motifs drawn from nature.

3.12 Water Consumption

A water budget has been established for individual lots at Heathers II. It is the Owners responsibility to show that the Water Consumption as a result of the Home and Landscape Design are within the 2000 gallon per day Lot water budget.

4 Life Safety Guidelines and Environmental

The following chapter outlines Guidelines for systems regarding life safety, such as fire sprinklers and alarm systems, and presents ways in which to build resource and energy efficient buildings.

4.1 Energy and Resource Conservation Measures

Site and building design along with construction techniques which utilize the latest advances in energy and resource conservation and home technology are encouraged. New Building technologies, innovative Building materials, thoughtful site planning and creative construction systems can be used to create more energy-efficient, durable, and better quality homes.

The following measures are strongly recommended in the planning and design of a home at Kohala Ranch.

Suggested Energy Efficiency Measures

- Living areas, such as living rooms, dining rooms, kitchens and bedrooms should be planned for maximum natural ventilation. Locate windows for natural light and cross-ventilation. Shading devices should be used for unwanted heat gain.
- Consider increasing the required insulation in walls, ceilings and foundations to reduce energy consumption and to lower utility bills.
- Seal and insulate duct work and locate in "conditioned" spaces where possible.
- Install high-performance windows.

Suggested Resource Efficiency Measures

- Building construction and design should emphasize efficient Building practices and the reuse and reduction of materials.
- All Buildings shall utilize high-efficiency (low flow) showerheads, toilets, faucets and similar appliances.

4.2 Skylights

Skylights must be integrally designed into the roof structure. 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.

4.3 Solar Equipment

Solar power generating equipment is encouraged but should integrate with the architectural design of the roof structure or be ground mounted in a manner that minimizes visual impact to surrounding lots or *Common Areas*. All solar designs must be reviewed and approved by the ACC.

4.4 Fire Protection

In order to ensure adequate fire protection, all Buildings designed for human occupancy, including garages, must have an automatic fire alarm system. The farthest point of any structure must be within 150 feet from the nearest fire hydrant unless specifically approved by the County reviewing authority.

4.5 Security Measures

All Residences must be connected to Kohala Ranch's centralized monitoring system for fire and emergency response. Owners may incorporate additional security measures into their plans, subject to the following controls:

- Exterior high-intensity lighting is not allowed.

- Audible alarm systems will not be approved because of their potentially disruptive impact upon the Community.

5 ACC Organization & Design Review Process

This section provides a guide for the Design Review Process for Kohala Ranch. The process involves a series of meetings between the Owner, their design team and the ACC. 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 ACC is committed to assisting Owners through the Design Review Process and should be thought of as a member of the Owner's design team as opposed to a regulatory review agency.

5.1 ACC Organization

The ACC is organized in accordance with the Kohala Ranch CC&Rs and may be modified in the future. Please refer to the CC&Rs for more detail.

5.2 Overview of Design Review Process

Improvement plans will be carefully reviewed by the ACC to ensure that the proposed design is compatible with the design intent at Kohala Ranch. 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 pools, driveways and/or culverts); and
- Construction of, or additions to, fences or enclosure structures.
- Repairing/replacing roofs or exterior walls if there is a change in color or material.

The ACC evaluates all development proposals on the basis of these Design Guidelines. Some of the Guidelines are written as broad standards and the interpretation of these standards is left up to the discretion of the ACC. Other Guidelines, such as Building Height or setbacks, are more definitive, or absolute, design parameters and in many cases parallel County and Building code requirements or project approval documents. It is the intention of this Design Review Process that all Improvements

THE KOHALA RANCH DESIGN REVIEW PROCESS

comply with these absolute standards. In the event of a conflict between these Guidelines and any local, state or federal Building or zoning code or project approval documents, the local, state, or federal Building or zoning code or project approval documents shall govern.
Kohala Ranch's Design Review Process takes place in four steps:

1. Pre-Design Conference & Schematic Design
2. Preliminary Design Review
3. Final Design Review
4. Construction Monitoring

Any Improvement 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 shall retain competent assistance from a licensed Architect, Civil Engineer, Landscape Architect, Soils Engineer and a licensed and bonded Contractor (Consultants) as appropriate. The Owner and Consultant(s) shall carefully review the CC&R's and these Design Guidelines prior to commencing with the Design Review Process.

Having secured Preliminary Design approval from the ACC, the Owner is also required to meet all the submittal and approval requirements of the Hawaii County Building Department to obtain design approvals or any other discretionary permits and a building permit.

The Owner is to commence construction within one year of the Final Design approval.

5.3 Pre-design Conference and Schematic Design

5.3.1 Pre-Design Conference

Prior to the preparation of any materials for formal ACC review, the Owner and and/or the Consultant(s) are required to meet with representatives of the ACC for a Pre-Design Conference. The purpose of this meeting will be for the ACC or their representative/staff architect 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 Lot, as shown on the Lot Diagram, to be provided by the ACC;
- Optimal orientation of buildings and outdoor spaces;
- Additional survey information requirements;
- Preliminary building and site development program ideas and requirements;
- Clarification and review of Design Guideline objectives;
- The requirements, fees, and schedule of the Design Review Process.

5.3.2 Schematic Design:

After or during the Pre-Design Conference, the Applicant shall submit to the ACC a written application and appropriate fee for Schematic Design Review together with the Schematic Design Review submission materials as described below:

1. Schematic Design Review Application Form. (Application Checklist is available from the ACC upon request).

2. Design Review Application Fee (See Section 5.15).

3. Schematic Site Plan: (1" = 20', 16' or 8') indicating property lines and Lot Diagram areas, Building location/footprint; driveways, existing trees to be retained and/or removed, pools, water features and other major hardscape elements and basic grading concepts.

4. Schematic Floor Plan: (1"=20', 16', or 8') showing general room layout and circulation. This may be combined with the Schematic Site Plan.

5. Schematic Elevations: (1"=16' or 8') of the street and makai sides of the Building showing general massing, roof forms, Building height and materials.

   The purpose of this submittal is to confirm that the design professionals are headed in the right direction, are correctly interpreting the Guidelines and that the Owner's program can be accommodated on the Lot. This submittal may be combined with the Pre-Design Conference.

6. Appropriate historic photo/imagery of major architectural Building elements. These should include roof eaves and rakes, gable end vents, recesses, windows and doors with trim and surrounds, garage doors, shutters, chimney caps, balconies and railings, columns and significant other design elements. Images should be on 8 1/2" x 11" size sheets. These images should be identified and keyed to Building elevations. Indicate the source, title of book or magazine, author and date, and a description of each photo/image.

5.4 Preliminary Design Review

After the Pre-Design Conference and Schematic Design, the Owner shall submit a written application for Preliminary Design Review together with Preliminary Design Review submission materials, described in Section 5.4.1 below.

5.4.1 Preliminary Design Review Submission Materials

Within this step, the Applicant shall prepare and submit to the ACC for review and approval a Preliminary Design Review package which should adequately convey existing site conditions, constraints, building orientation and design, vehicular and pedestrian access, the proposed use of exterior materials and colors and conceptual landscape design. All architectural plans are to be prepared by a Hawaii licensed Architect. All landscape architectural plans are to be prepared by a Hawaii licensed landscape professional. The package shall include two full-size sets and four sets of 11" x 17" reductions of the following drawings and/or materials:

1. Preliminary Design Review Application Form.

2. Location Map - indicating location of Parcel within Kohala Ranch.

3. Parcel Survey - a property survey (minimum scale: 1" = 20') prepared by a licensed surveyor indicating property boundaries, the area of the property, all easements of record, utilities, 100-year flood plain, one-foot contours, any significant natural features such as existing trees, or any significant drainages as applicable. See Appendix E - Lot Survey Requirements.

4. Site Plan - 1"=20' minimum, showing existing

topography and proposed grading and drainage (1-foot contour interval), existing off-site elements (buildings, walls, etc.) within 20 feet of the property boundary, building footprint with finished floor grades, setbacks, Building Envelope and other zones as indicated on the Lot Diagram, existing trees to be retained and/or removed, driveway, parking area, turnarounds, drainage, fences/walls, roofs, patios, decks, pools, utility meter columns and any other site amenities.

5. Preliminary Floor and Roof Plans - minimum 1/8" = 1'-0", including all proposed uses, walls, door and window locations and location of mechanical and electrical systems.

6. Preliminary Elevations - minimum 1/8" = 1'-0", including roof heights, existing and finish grades, building heights and notation of exterior materials. One set of elevations, rendered in color, is required.

7. Site Sections - minimum scale 1" = 20', showing proposed buildings, building heights, elevations and existing and finished grades in relation to surrounding site, including adjacent Residences and Roads as may be required by the ACC.

8. Conceptual Landscape Plan - a conceptual plan at 1" = 20' minimum, showing irrigated areas, areas of planting, turf areas, preliminary plant list, Building Envelope and other zones as indicated on the Lot Diagram, existing trees to be retained and/or removed, water features, pools, patios, decks, and any other significant design elements. This may be combined with the Site Plan.

9. Grading, Drainage and Erosion Control Plans - 1" = 20' minimum. Indicate location of silt fencing. Site plan should include twenty feet beyond Homeowner's property line in order to depict relationship to adjacent Lots and *Common Areas*.

10. Two disks of the above plans converted to pdf files.

11. Material Samples - Images of the following on 8-1/2 x 11 or 11 x 17 inch boards or cardstock weight paper showing:
    - Roof material and color;
    - Wall material and color;
    - Exterior trim material and color;
    - Stone/rock materials;
    - Window/door materials and color;
    - Fence/wall materials and color;
    - Paving materials and color.

    Identify all exterior materials with manufacturer's name, color, and/or number. Samples of exterior materials need not be provided unless requested by the ACC.

5.4.2 Staking

The Owner may be required to stake the location of corners of the proposed Buildings and all other major Improvements upon submittal of Preliminary Design Review documents. In some instances, the ACC may require that ridgeline flagging be erected to indicate proposed Building Heights.

5.4.3 Preliminary Design Review Meeting

Upon receipt of the required documents and staking of the property (if required), the ACC will notify the Owner of the scheduled meeting date to review the Preliminary Design documents. The ACC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) (if present) and subsequently provide the Owner with the conclusions of the meeting in writing.

The comments of the ACC on the Preliminary Design submittal shall be advisory only, and shall not be binding upon either the Owner or the ACC.

A second review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided to the ACC a minimum of five working days prior to the next regularly scheduled meeting.

5.5 Final Design Review

Within one year of Preliminary Design Review approval the Owner shall initiate Final Design Review by submitting required Final Design documents. Required Final Design documents and procedures are described in Section 5.5.1

5.5.1 Final Design Review Submission Materials

The Applicant shall provide all information necessary to reflect the design of the proposed Building(s), landscape or other features requiring the approval of the ACC. Final Design documents shall generally conform with the approved Preliminary Design Review documents.

All architectural plans are to be prepared by a Hawaiii licensed Architect and must conform to generally accepted architectural standards. All landscape architectural plans are to be prepared by a Hawaii licensed landscape professional. The Final Design Review Documents shall be Construction Document level drawings. Submit two sets full size and four sets of 11"x17" reductions of final plans that include the following:

1. Final Design Review Application Form.

2. Site Plan - 1" = 20' minimum, showing existing topography and proposed grading (1-foot contour interval), Building footprint with finished floor grades, Buildable Area and other zones as indicated on the Lot Diagram, existing trees to be retained and/or removed, driveway, parking area, turnarounds, fences/walls, patios, decks, utility connections and pad locations, pools and any other site amenities. Site plan should include twenty feet beyond Homeowner's property line in order to depict relationship to adjacent Lots and *Common Areas*.

3. Grading, Drainage and Erosion Control Plans - 1" = 20' minimum, prepared by a Civil Engineer, showing existing and proposed grading (1-foot contour interval), drainage elements and erosion control methods. Site plan should include twenty feet beyond Homeowner's property line in order to depict relationship to adjacent Lots and *Common Areas*.

4. Floor and Roof Plans - 1/4"=1'-0", indicate all room dimensions, door and window locations and sizes, location of mechanical and electrical systems and fire sprinkler and monitoring systems. Indicate the location and type of all exterior lighting fixtures, proposed fireplaces, and kitchen appliances. Provide floor plans of all Accessory Structures.

5. Elevations - 1/4"=1'-0", illustrate the exterior appearance of all views labeled in accordance with the site plan. Indicate the highest ridge of the roof, the elevation of each floor, and existing and finished grades for each elevation. Describe all exterior materials, colors, and finishes (walls, roofs, trim, vents, windows, doors, exterior hardware schedule, etc.) and locate all exterior lighting fixtures, and provide an exterior lighting schedule with cut sheets. Indicate proposed Building Height. Provide one set of colored elevations.

6. Sections - 1" = 20' minimum, indicate Building walls, floors, interior relationships, finished exterior grades and any other information to clearly describe the interior/exterior relationships of the Building, the exterior details of the house, and the Building's relationship to the site.

7. Landscape Plans - 1/8"=1'-0" minimum, including a planting plan, existing trees to be retained and/or removed, layout plan, irrigation plan, lighting plan, lighting schedule and cut sheets, and any site details including retaining walls, landscape structures, pools, patios, fences and or gates. Call out all hardscape materials. A water budget showing anticipated irrigation water use shall also be provided.

8. Sample Board - on 11" x 17" boards or cardstock weight paper as needed (to be determined by the ACC:
   - Roof material and color.
   - Wall materials and colors.
   - Exterior trim material and color.
   - Window material and color.
   - Exterior door material and color.
   - Stone/rock materials.
   - Fence/wall materials.
   - Exterior rails and paving materials.

9. Construction Schedule - include start and completion dates for both Building and landscape construction. All construction shall be started within one year of Final Design approval and shall be completed within 18 months from start of construction.

5.5.2 Final Design Review Meeting

Upon receipt of the required documents, the ACC will notify the Owner of the scheduled meeting date to review the Final Design documents. In some instances, the ACC may request a final staking of the location of all corners of proposed Buildings if the Final Design documents vary substantially from approved Preliminary Design documents.

Attendance at the meeting by the Owner and/or Consultant(s) is not mandatory. The ACC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) (if present), and subsequently provide the Owner with an approval (see Section 5.5.3 below) or conclusive recommendations in writing for refinements to the design. A second review meeting may be necessary to review refinements, revisions and/or new materials. These materials will be provided to the ACC a minimum of five working days prior to the next regularly scheduled meeting.

5.5.3 Final Design Approval

The ACC will issue Final Design approval in writing within seven working days of a vote for approval at a Final Design Review meeting. If the decision of the ACC is to disapprove the proposal, the ACC shall provide the Owner with a written statement of the basis for such disapproval to assist the Owner in redesigning the project so as to obtain the approval of the ACC.

The ACC will review and comment on the material image boards and/or sample boards at the Final Design Review. Final approval is contingent upon field mock ups of all colors and materials at the appropriate time in the construction process and in sizes / context that will allow a clear understanding of the final product. Regardless of previous approvals, the ACC reserves the right to require changes to the field mock-ups if they do not meet the objectives of the Design Guidelines. See section 5.5.1 for a description of required material mock-ups.

5.6 Resubmittal of Plans

In the event that final submittals are not approved by the ACC, the Owner will follow the same procedures for a resubmission as for original submittals. An additional Design Review fee must accompany each resubmission as required by the ACC.

5.7 County Approvals

The Owner shall apply for all applicable Building permits from the Hawaii County Planning and Building Department and any other governing agencies after receiving Final Design approval from the ACC. The owner may elect to submit plans to the required agencies prior to receiving final ACC approval, but the ACC will not be responsible for any revisions that may be required to county submitted plans as a result of their review and approval. Any adjustments to ACC-approved plans required by County review must be resubmitted to the ACC for review and approval prior to commencing construction. The issuance of any approvals by the ACC implies no corresponding compliance with the legally required demands of other agencies.

5.8 Subsequent Changes

Subsequent construction, landscaping or other changes in the intended Improvements that differ from approved Final Design documents must be submitted in writing to the ACC for review and approval prior to making changes.

5.9 Work in Progress Observations

During construction, the ACC will check construction to ensure compliance with approved Final Design documents. If changes or alterations have been found that have not been approved, the ACC will issue a Notice to Comply. At a minimum, the ACC requires construction observation site visits. Notice for referenced visits is given in Section - Construction Observations.

5.10 Notice to Comply and ACC Remedy

When, as a result of a construction observation, the ACC finds changes and/or alterations that have not been approved, the ACC will issue a Notice to Comply within three working days of the observation. The ACC will describe the specific instances of non-compliance and will require the Owner to comply or resolve the discrepancies. If, after 30 days, the Owner has failed to correct the items that caused the ACC to issue the Notice to Comply, the ACC reserves the right to utilize the Builders' Deposit to correct the non-compliant items. Should the ACC utilize any amount from the Builders' Deposit, the Owner is required immediately to replenish the Deposit to the required amount.

5.11 Notice of Completion

The Owner will provide the ACC with a Notice of Completion of any Improvement(s) given Final Design approval by the ACC. The ACC will make a final inspection of the property within fourteen (14) working days of notification. The ACC will issue in writing a Notice of Compliance within seven working days of observation.

If it is found that the work was not done in compliance with the approved Final Design documents, the ACC will issue a Notice to Comply within three working days of observation.

5.12 Right of Waiver

The ACC recognizes that each Parcel has its own characteristics and that each Owner has their own individual needs and desires. For this reason, the ACC has the authority to approve deviations from

any of the Design Guidelines or Regulations contained within this document. It should be understood, however, that any request to deviate from these Design Guidelines will be evaluated at the sole discretion of the ACC, and that the approval of deviations will be limited to only the most creative design solutions to unique situations. Prior to the ACC approving any deviation from a Design Guideline, it must be demonstrated that the proposal is consistent with the overall objectives of these Design Guidelines and that the deviation will not adversely affect adjoining Parcels or the Community of Kohala Ranch as a whole. Approval of any deviation from the Design Guidelines shall not set a precedent for other applicants to seek a similar deviation.

The ACC also reserves the right to waive any of the procedural steps outlined in this Design Guideline document provided that the Owner demonstrates there is good cause.

5.13 Non-Liability

Neither the ACC nor any member, employee or agent will be liable to any party for any action, or failure to act with respect to any matter if such action or failure to act was in good faith and without malice.

5.14 Design Review Schedule

The ACC will make every reasonable effort to comply with the time schedule for Design Review. However the ACC will not be liable for delays that are caused by circumstances beyond their control. The ACC will provide Design Review according to the following schedule:

1. Pre-Design Conference & Schematic Design Review
    - Meeting scheduled within 14 working days of receipt of Pre-Design Conference request form.
2. Preliminary Design Review
    - Application documents to be submitted 14 working days prior to the next scheduled ACC meeting.
    - Written comments from ACC meeting provided to Owner within seven working days.
    - A second review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided to the ACC a minimum of five working days prior to the next regularly scheduled meeting.
3. Final Design Review
    - Application documents to be submitted 14 working days prior to the next scheduled ACC meeting, and within one year of Preliminary Design approval.
    - Written comments from ACC meeting and/or written notice of Final Design approval provided to Owner within seven working days.
    - A second review meeting may be necessary to review refinements, revisions and/or new materials. These materials will be provided to the ACC a minimum of five working days prior to the next regularly scheduled meeting.
4. Building Permits
    - Owner applies to Hawaii County for all applicable Building and use permits.

5. Construction Observations

- Site observation with the Builder prior to any site disturbance, and within seven working days of receipt of written request.
- Framing observation within seven working days of receipt of written request.
- Final observation within seven working days of receipt of written request and prior to request for a Certificate of Occupancy from Hawaii County.
- Notice of Completion issued within fourteen working days of observation.
- Mock up review, if applicable.

5.15 Application Fees

In order to defray the expense of reviewing plans, monitoring construction and related data, and to compensate consulting Architects, Landscape Architects and other professionals, these Guidelines establish a total fee payable upon submittal of the application for the Pre-Design Conference or Preliminary Design Review.

Fees for resubmission shall be established by the ACC on a case-by-case basis. This fee is subject to revision annually.

	Initial Improvements	Subsequent Remodel	Minor Improvements
ACC Review Fee	$2,500	$500	$0
Resubmission Fee	$250	$250	$0
Builder's Deposit	$15,000	$250	$0

5.16 Application Format

An application and information package is available from the ACC for each submission. Each submission must be accompanied by the required information, as specified in the application package instructions and these Guidelines, in order to be scheduled for review. Incomplete submissions will not be reviewed and may be returned to the applicant for resubmission.

6 Construction and Builder Regulations

6.1 Pre-Construction Conference

Prior to commencing construction, the Builder must meet with an authorized representative of the ACC to review the approved Final Plans, the Construction Area Plan, the Construction Regulations, and to coordinate scheduling and construction activities with the ACC. At this meeting, the Builder or Owner must bring a copy of the Building Permit issued and any related permit from any other authorities processing jurisdiction over the Lot.

6.2 Construction Area

Construction Area

Prior to the commencement of any Construction Activity the Builder will provide the ACC, for its approval, with a detailed plan of the proposed Construction Area showing the area in which all Construction Activities will be confined and how the remaining portions of the Lot will be protected.

This Construction Area Plan will designate the location and size of the construction material storage and parking areas, and the locations of the chemical toilet, temporary trailer/structure, dumpster, debris storage, fire fighting equipment, utility trenching, limits of Excavation and erosion control.

All construction activity (with the exception of driveways, utility installation and minor grading/drainage work) must take place inside the Buildable Area.

Care must be taken to avoid, or if unavoidable, minimize the visual impact of the Construction Area on neighboring Lots, *Common Areas*, and Roads.

Prior to construction, side yard planting and streetscape elements will be photographed by ACC to record existing site features.

6.3 Construction Deposit

After the ACC approves an Owner's proposed Construction Area Plan as described in Section 6.2, and prior to commencing any Construction Activity, a Construction Deposit shall be delivered to the ACC, on behalf of the Association, as security for the project's full and faithful performance of its Construction Activity in accordance with its approved final plans. This Construction Deposit shall be a cash deposit.

The amount of the Builder's Deposit shall be set forth in Section 5.15 - Application Fees, per Lot or such greater amount as determined by the ACC for all Lots within Kohala Ranch. This amount may be adjusted annually by the ACC.

The ACC may use, apply or retain any part of a Builder's Deposit to the extent required to reimburse the ACC for any cost that the ACC may incur on behalf of the project's Construction Activity. Any monies shall be reimbursed to the ACC for any fees incurred by the ACC to restore the Builder's Deposit to its original amount. Construction Activity shall be halted until the Builder's Deposit is brought up to the original amount.

The ACC shall return the Builder's Deposit to the Owner within 15 working days after the issuance of a Notice of Completion from the ACC.

6.4 Access to Construction Area

Kohala Ranch requires all Builders to comply with the following:

1. Restrict access to the Construction Area only through the Kohala Ranch construction gate.

2. Identify all vehicles entering Kohala Ranch with the Builder's name and job site. All vehicles of contractor, subcontractor and material suppliers entering Kohala Ranch will display an entry pass at all times.

3. Enforce hours of access, speed limit and route of travel on the Kohala Ranch road system as specified by the ACC.

4. Limit access to the Construction Area only on designated routes as specified by the ACC.

5. Consolidate all deliveries of materials and equipment to the extent feasible.

6.5 Vehicles and Parking Areas

Only vehicles, equipment and machinery that are essential to any Construction Activity may park within the Construction Area or such other specific area designated by the ACC so as to minimize potential damage to existing vegetation, utilities, landscape, or other Improvements.

Parking of vehicles, equipment and materials along road shoulders is prohibited.

6.6 Storage of Materials and Equipment

All construction materials, equipment and vehicles will be stored within the boundary of the ACC-approved Construction Area. Equipment and machinery will be stored on-site only while needed.

6.7 Construction Activity Times

The time of construction will be limited to the period from 7:30 AM until 5:30 PM Monday through Friday, and 9 AM until 5 PM on Saturday. Construction on Sunday and holidays is not permitted. A list of holidays is available at the Kohala Ranch makai entry gate. Construction is not permitted on any recognized Hawaiian Holidays. Only work to be performed inside a residence may be performed on Sunday. No personnel are to remain at the Construction Site after working hours.

6.8 Construction Trailers and/or Temporary Structures

Any Owner or Builder who desires to bring a construction trailer or the like to Kohala Ranch can do so. The trailer shall be as small as possible and consistent with job requirements. All such facilities will be removed from the Lot prior to issuance of a final inspection and closing of the building permit by the County of Hawaii. (Note: The County does not issue C of O's for residential structures).

Temporary living quarters for the Owner, Builder or their employees on the Lot will not be permitted.

6.9 Sanitary Facilities

Sanitary facilities must be provided for construction personnel on-site in a location approved by the ACC. The facility must be screened from view from adjacent Residences and Roads, maintained regularly, and be a dark green or dark brown color.

6.10 Debris and Trash Removal

Contractors must clean up all trash and debris on the Construction Site at the end of each day. Trash and debris must be removed from each Construction Site at least once a week and transported to an authorized disposal site. Lightweight material, packaging and other items must be covered or weighted down to prevent wind from blowing such materials off the Construction Site. Contractors are prohibited from dumping, burying or burning trash anywhere on the Lot or in Kohala Ranch except in areas, if any, expressly designated by the ACC. During the construction period, each Construction Site must be kept neat and tidy to prevent it from becoming a public eyesore or affecting adjacent Lots. Dirt, mud or debris resulting from activity on each Construction Site must be promptly removed from Roads, open spaces and driveways or other portions of Kohala Ranch.

Any clean up costs incurred by the ACC or the Association in enforcing these requirements will be taken out of the Builder's Deposit or billed to the Owner as needed.

6.11 Erosion Control

To control erosion on construction sites, temporary silt fencing shall be installed to intercept sediment from runoff. It shall be installed along the perimeter of the site, along streams and drainageways, below the toe of exposed and erodible slopes, downslope of exposed soil areas, and around temporary soil stockpiles. Silt fencing shall be constructed along a level contour to prevent rills and gullies. The last six feet of fencing shall be turned upslope in a "J" or "L" shape to allow for ponding. The lower third portion of the fencing shall be buried to prevent undercutting. Sediment must be removed when accumulations reach 1/3 of the above-grade height of the fence.

Additionally, temporary aggregate base course rock shall be placed on driveways and construction vehicle access routes until time for paving.

6.12 Tree protection

Fenced enclosures shall be erected around trees to be protected to achieve three primary functions, 1) to keep the foliage canopy and branching structure clear from contact by equipment, materials and activities; 2) to preserve roots and soil conditions in an intact and non-compacted state and 3) to identify the tree protection zone in which no soil disturbance is permitted and activities are restricted, unless otherwise approved. No storage of material, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. The ground under and around the tree canopy area shall not be altered. Trees to be retained shall be irrigated, aerated and maintained as necessary to ensure survival.

All trees to be preserved shall be protected with six foot high orange construction fences. Fences are to be mounted on t-rail galvanized iron posts, driven into the ground to a depth of at least 2-feet. Tree fencing shall be erected before demolition, grading or construction begins and remain in place until final inspection of the project, except for work specifically allowed in the tree protection zone. Work in the tree protection zone requires approval by the project arborist. The proposed location of the tree protection fencing shall be a minimum of 8' from the trunk.

6.13 Hazardous Waste Management

In order to be able to respond and monitor hazardous material use and/or spills, the Contractor shall comply with the following criteria listed below:

- The Contractor shall provide a contact person and telephone number for a company experienced in emergency response for vacuuming and containing spills for oil or other petroleum products.

- Absorbent sheets will be used for spill prevention and clean up. Several boxes should be located at fuel trucks, storage areas and in maintenance vehicles. Inventories must be maintained as necessary.

- A reportable spill is defined as a spill of one or more gallons and a significant spill is defined as more than ten gallons.

- The Contractor shall maintain a list of product names and a Materials Safety Data Sheet (MSDS) for all hazardous material products used or located on site.

- Before a hazardous material is stored, the Contractor shall check to ensure that:

    - The material is stored in an approved container;

    - The container is tightly closed;

    - The container has the proper warning label; and

    - The container is inspected for leaks.

6.14 Excavation and Grading

During construction, erosion must be minimized on exposed cut and/or fill slopes through proper

soil stabilization, water control and re-vegetation. Grading operations may be suspended by ACC during periods of heavy rains or high winds. Blowing dust resulting from grading and construction operations must be controlled by watering.

All topsoil disturbed by grading operations must be stockpiled and covered to minimize blowing dust within the Construction Area and reused as part of the site restoration/landscaping plans.

6.15 Start of Construction

All Improvements commenced on a Lot shall be completed within 18 months after commencement according to approved Final Design Review plans unless an exception is granted in writing by the ACC. If an Improvement is commenced and construction is then abandoned for more than 90 days, or if construction is not completed within the required 18-month period, the Association may impose a fine of not less than $100.00 per day (or such other reasonable amount as the Association may set) to be charged against the Owner of the Lot until construction is resumed or the Improvement is completed, as applicable, unless the Owner can prove to the satisfaction of the Board that such abandonment is for circumstances beyond the Owner's control.

6.16 Damage Repair and Restoration

Damage and scarring to other property, including open space, adjacent Parcels, Roads, Driveways, Irrigation and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the person causing the damage or the Owner of the Parcel.

1. Revegetate the area disturbed immediately to the adjacent Owner's satisfaction, or in the event *Common Area* is impacted, to the ACC's satisfaction and maintain said vegetation until established; and,

2. Pay any fines imposed by Hawaii County and/or other governmental agencies.

6.17 Project Completion and Close-out

Upon completion of construction, each Owner and Builder will be responsible for cleaning up the Construction Site and for the repair of all property that was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by the ACC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. Any property repair costs as mentioned above, incurred by the ACC or the Association, will be taken out of the Builder's Deposit or billed to the Owner.

6.18 Construction Observations

In addition to the building inspections required by Hawaii County, the following construction observations must be scheduled with the ACC:

1. Site Observation - This observation includes review of staking of the Construction Area including all corners of proposed Buildings, driveways and extent of grading. In addition, flagging of all areas to be protected will be reviewed. An on-site mock-up for color and

materials shall be constructed for approval by the ACC. A full-scale mock-up (minimum 4-feet by 8-feet) shall be constructed which accurately conveys all proposed exterior materials, colors, and detailing, including window, overhang, cornice, corner and trim details and/or details, roof section, of areas where one material changes to another. This mock-up must be approved by the ACC prior to the framing observation.

2. Framing Observation - This observation must be done prior to enclosure of exterior walls and roof. Final approval is contingent upon field mock-ups of all colors and materials at the appropriate time in the construction process and in sizes / context that will allow a clear understanding of the final product.

3. Final Observation - This observation must be done prior to final inspection and close out of the Building Permit by the County of Hawaii and may be scheduled when all Improvements, including all structures, landscaping and grading, have been completed.

6.19 Construction Signs

Temporary construction signage will be limited to one sign per Homesite. The sign shall not exceed six square feet of total area, and shall be located within ten-feet of the Construction Site entrance. All construction signs must be reviewed and approved by the ACC prior to installation. Layout for the sign must be submitted to the ACC ten working days prior to a regularly scheduled meeting. Alternatively, the ACC may require the contractor to construct a standardized construction sign. The contractor should contact the ACC prior to sign fabrication to confirm the required sign type.

6.20 No Pets

Construction personnel are prohibited from bringing pets, particularly dogs, into Kohala Ranch.

6.21 Security

Security precautions at the Construction Site may include temporary fencing approved by the ACC. Security lights, audible alarms and guard animals will not be permitted.

6.22 Noise

Builder will make every effort to keep noise to a minimum. Radios will not be allowed in order to minimize disturbance to neighbors and wildlife.

6.23 No Smoking

Smoking is only allowed in enclosed vehicles. Fines of up to $1,000 will be taken out of the Builder's Deposit or billed to the Owner in the event that smoking occurs out of vehicles on a Construction Site. Warning signs such as "No Smoking or Open Flame Allowed" must be posted at the Construction Site.

6.24 No Firearms

No firearms are allowed in Kohala Ranch.

6.25 Alcohol/Drugs

No illegal drugs or consumption of alcohol are allowed on Kohala Ranch property at anytime by Builder or Consultants, including contractors and subcontractors.

6.26 Construction Personnel Conduct

Offensive, loud or unmannerly behavior exhibited by the Builder, its employees or subcontractors is not allowed and will not be tolerated. Builder shall be responsible for the behavior of his employees and subcontractors. Construction personnel shall wear shirts at all times when working within Kohala Ranch.

Appendix A : Definitions

Unless the context otherwise specifies or requires, the following words or phrases when used in these Design Guidelines shall have the following meanings:

Accessory Structure
Any structure detached from the main Residence a minimum of ten feet.

Architectural Control Committee
(ACC)
The ACC appointed by the Declarant or Kohala Ranch Association Board as provided in the CC&R's to review and either approve or disapprove proposals and/or plans and specifications for the construction, exterior additions, landscaping, or changes and alterations within Kohala Ranch.

Association
The Kohala Ranch Community Association, Inc., the members of which shall be the Owners of Parcels within Kohala Ranch, their successors and assigns.

Board
The term "Board" shall mean the Board of Directors of the Association, its governing body.

Builder
A person or entity engaged by an Owner for the purpose of constructing any Improvement within Kohala Ranch. The Builder and Owner may be the same person or entity.

Builder's Deposit
The deposit that is required to be delivered to the ACC prior to commencing a Construction Activity.

Building Coverage
The total area of a Lot covered by building(s). Measured from outside of all exterior walls at ground level, it includes all exterior stairways, covered parking and outdoor rooms. It does not include roof overhangs, uncovered walkways, terrace or pool areas, and above-grade decks.

Buildable Area
That portion of any Lot or Parcel, designated as a Homesite on the Lot Diagram, and within which the construction of Buildings, accessory and appurtenant structures and/or all Improvements are located.

Building Height
Building Height is defined as the vertical distance from pad and/or existing grade to the top of the roof ridge. If a pad grade is lowered, the new grade will serve as the elevation from which height will be measured.

Common Areas
All real property (and the Improvements or amenities thereon) that may from time to time be owned or leased by the Association or otherwise held by the Association for the common use and enjoyment of the Owners. The *Common Areas* include, but are not limited to, any Private Roads. The *p* do not include the Golf Club Facilities.

Construction Activity
Any site disturbance, construction, addition or alteration of any building, landscaping or any other Improvement on any Construction Site.

Construction Site
A site upon which Construction Activity takes place.

Construction Vehicle
Any car, truck, tractor, trailer or other vehicle used to perform any part of a Construction Activity or to transport equipment, supplies or workers to a Construction Site.

Declarant
Bob Acree
Kohala Ranch Development Corp.

Design Guidelines
The architectural, design and construction regulations, restrictions and review procedures adopted and enforced by the ACC as set forth in this document and as amended from time to time by the ACC

Excavation
Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching that results in the removal of earth, rock or other substance from a depth of more than 12 inches below the natural surface of the land or any grading of the surface.

Fill
Any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surface.

Final Map
The recorded final Subdivision map or Parcel map for any portion of Kohala Ranch.

Floor Area
The sum of all horizontal floor areas of a building measured from the outside of all exterior walls.

Homesite or Lot Diagram
The term Homesite or Lot Diagram shall refer to the individual site plans for each Parcel provided to the Owner by the ACC at the commencement of the Design Review Process. Each Homesite or Lot Diagram specifies setbacks, Building Height and any special restrictions pertinent to the Parcel's development as recorded with the Hawaii County, together with any additional factors that the ACC may consider to be pertinent.

Homeowner
See Definition contained in the CC & R's.

Improvement
See Definition contained in the CC & R's.

Lot
The term "Lot" means that parcel of land, described in the purchaser's purchase contract, and illustrated by the Homesite Diagram, on which the purchaser intends to construct Improvements.

Minimum Floor Area

Minimum Floor Area shall be 2,000 square feet (floor area is defined as in Floor Area, above).

Natural Area

The Natural Area is that portion of the Lot that lies between the setback, easement and View Corridor Lines and the Property Lines and must remain in or be restored to a natural state in accordance with these Guidelines.

Outdoor Room

An outdoor, covered living or lounge area attached to the Residence or guest unit that is open on a minimum of one side.

Owner

See definition contained in the CC & R's.

Parcel

The term "Parcel" shall be those parcels of land, together with any appurtenances, subdivided by Declarant pursuant to the Hawaii County subdivision approval for the Kohala Ranch Property.

Residence

The Building or Buildings, including any garage, or other accessory Building, used for residential purposes constructed on a Parcel, and any Improvements constructed in connection therewith.

Story

That portion of any Building (including garage) included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it. Any portion of a Story exceeding 18 feet in height shall be considered as an additional Story for each 18 feet or fraction thereof. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a Story.

Appendix B: Approved Plant List

Botanical Name	Common Name
TREES	
Acacia confusa	Formosa Koa
Aleurites moluccana	Kukui
Artocarpus altilis	'Ulu, Breadfruit
Bauhinia blakeana	Hong Kong Orchid Tree
Caesalpinia pulcherrima	Dwarf poinciana
Calophyllum inophyllum	Kamani
Canthium odoratum	Alahe'e
Cassia gaudichendi	Kolomona
Cassia grandis	Pink Shower, Coral Shower
Cassia javanica	Pink/White Shower
Cassia x nealiae (Cassia fistula x C. javanica)	Rainbow Shower
Cibotium chamissoi	Hapu'u
Citharexylum spinosum	Fiddlewood Tree
Clusia rosea	Autograph Tree
Coccoloba uvifera	Sea Grape
Conocarpus erectus sericeus	Silver Buttonwood
Cordia sebestena	Kou Haole
Cordia subcordata	Kou (Hawaiian)
Delonix regia	Royal Poinciana
Diospyros sandwicensis	Lama
Erythrina crista-galli	Coral Tree
Erythrina fusca fastigiata	Vertical wiliwili
Erythrina sandwicensis	Wiliwili
Erythrina variegata 'Orientalis'	Tiger's Claw
Ficus benghalensis	Indian Banyan
Ficus benjamina	Weeping Fig
Ficus elastica	Indian Rubber Tree
Ficus lyrata	Fiddle Leaf Fig
Ficus macrophylla	Morton Bay Fig
Ficus retusa	Chinese Banyan
Ficus spp.	Banyan
Harpulia pendula	Tulipwood
Hibiscus brackenridgei	Ma'o Hau Hele

Botanical Name	Common Name
Hibiscus tiliaceus	Hau
Hibiscus waimeae	Koki'o Ke'oke'o
Jatropha hastata	Jatropha
Lagerstroemia indica	Crape Myrtle
Lagerstroemia speciosa	Giant Crape Myrtle
Messerschmidia argenta	Beach heliotrope
Metrosideros collina subsp. polymorpha	'Ohi'a lehua
Morinda citrifolia	Noni
Noronhia emarginata	Madagascar olive
Pandanus tectorus	Hala
Pandanus variegatus	Variegated Pandanus
Peltophorum pterocarpus	Yellow Poinciana
Pithecellobium dulce	Opiuma
Plumeria obtusa	Singapore Plumeria
Plumeria rubra	Red Plumeria
Plumeria rubra f. acutifolia	Plumeria
Plumeria rubra f. acutifolia	Temple Tree
Podocarpus gracilior	Podocarpus
Podocarpus macrophyllus	Podocarpus
Prosopis pallida "Thornless"	Thornless kiawe
Pseudobombax ellipticum	Bombax
Psidium cattleianum	Strawberry Guava
Rauvolfia sandwicensis	Hao
Ravenalla madagascariensis	Travelers Tree
Samanea saman	Monkey Pod
Sapindus saponaria	Soapberry tree, Manele
Schinus molle	California Pepper Tree
Schizostachyum glaucifolium	'Ohe, Bamboo
Spathodea campanulata 'aurea'	African Tulip
Stemmadenia littoralis	Leches
Swietenia mahogani	Mahogany
Tabebuia argentea	Silver Trumpet
Tabebuia aurea	Silver Trumpet
Tabebuia donnell-smithii	Gold Tree
Tabebuia heterophylla	Pink Tecoma
Tabebuia palmeri	Palmer's Tecoma
Tabebuia rosea	Pink Trumpet Tree
Tamarindus indica	Tamarind
Terminalia catappa	False Kamani
Thespesia populnea	Milo
Thevetia peruviana	Be Still Tree

PALMS

Chrysalidocarpus lutescens	Areca Palm
Cocos nucifera	Coconut Palm, Niu
Cocos plumosa	Queen Palm

Botanical Name	Common Name
Cycas circinalis	Queen Sago Palm
Cycas revoluta	Sago Palm
Dictosperma album	Princess Palm
Livistona chinensis	Chinese Fan Palm
Neodypsis decaryi	Triangle Palm
Phoenix roebelinii	Pygmy Date Palm
Pritchardia hildebrandii	Loulu
Pritchardia martii	Loulu
Pritchardia pacifica	Fiji Fan Palm
Pritcharis affinis	Loulu
Ptychosperma macarthurii	MacArthur Palm
Rhapis excelsa	Rhapis Palm
Roystonea regia	Royal Palm
Veitchia joannis	Joannis Palm
Veitchia merrillii	Manila Palm
Veitchia montgomeryana	Montgomery Palm

SHRUBS

Agave spp.	Century Plant
Alpinia spp.	Ginger
Asplenium nidus	'Ekaha, Bird Nest Fern
Bougainvillea spp	Bougainvillea
Canna indica	Canna Lily
Carissa g. 'prostrata'	Dwarf Carissa
Carissa grandiflora	Natal Plum
Cestrum nocturnum	Night-blooming Jasmine
Codiaeum variegatum	Croton
Colocasia esculenta	Kalo
Cordyline terminalis. var.	Ti varieties
Cordyline terminalis	Green Ti
Crinum asiaticum	Spider Lily
Crinum augustum	Queen Emma Spider Lily
Cyathea australis	Australian Tree Fern
Dodonaea viscosa	'A'ali'i
Dracaena marginata	Money Tree; Dragon Tree
Ervatamia divaricata	Crepe Gardenia
Gardenia taitensis	Tiare Gardenia
Gossypium tomentosum	Ma'o, Hawaiian Cotton
Graptophyllum pictum	Caricature Plant
Heliconia sp.	Heliconia varieties
Hibiscus kokio	Koki'o-'ula'ula Red
H. Saint-johnianus	Hawaiian Hibiscus
Hibiscus rockii	Rock's Kaua'i Hibiscus
Hibiscus rosa-sinensis	Chinese Red Hibiscus
Hibiscus spp.	Hibiscus
Hibiscus waimeae, H. arnottianus	Koki'o-ke'oke'o, White Hibiscus

Botanical Name	Common Name
Ixora chinensis	Ixora
Ixora coccinea	Ixora
Leea c. 'rubra red'	Purple Leea
Leea coccinea	Leea
Ligustrum ovalifolium	California Privet
Melvaviscus arborsus	Turk's Cap
Moraea iridiodes	African Iris
Murraya paniculata	Mock Orange
Myoporum sandwicense	Naio
Nerium oleander	Oleander
Nototrichium sandwicense	Kulu'i
Philodendron selloum	Philodendron
Philodendron wendlandii	Philodendron
Phormium tenax	New Zealand Flax
Pittosporum tobira	Pittosporum
Plumbago capensis	Plumbago
Pseuderanthemum reticulatum	Golden Eranthemum
Russelia equisetifolia	Firecracker Plant
Santalum ellipticum	'Iliahi
Scaevola frutescens	Naupaka
Sesbania tomentosa	'Ohai
Strelitzia reginae	Bird-of-Paradise
Wikstroemia uva-ursi	'Aki'a

VINES

Allamanda cartharica	Allamanda
Antigonon leptopus	Mexican Creeper
Bougainvillea 'Miss Manila'	Miss Manila Bougainvillea
Bougainvillea spectabilis	Purple Bougainvillea
Canavalia pubescens	'Awikiwiki Vine
Ficus pumila	Creeping Fig
Hylocereus undatus	Night Blooming Cereus
Ipomoea batatas	'Uala, Sweet Potato
Ipomoea horsfalliae	Prince Kuhio Vine
Ipomoea pes-caprae	Pohuehue, Beach Morning Glory
Monstera deliciosa	Monstera
Petrea volubilis	Sandpaper Vine
Pothos aureus	Pothos
Pyrostegia ignea	Huapala, Orange Trumpet Vine
Stephanotis floribunda	Stephanotis
Tecomaria capensis	Cape Honeysuckle
Thunbergia grandiflora alba	White Thunbergia

Botanical Name	Common Name

GROUNDCOVERS

Aglaonema spp.	Aglaonema
Aloe vera	Aloe
Aptenia cordifdolia	Hearts and flowers
Bacopa Mannieri	Bacopa
Batis maritima	Kulikuli-kai
Heliotropium anomalum	Hinahina
Heliotropium curassavicum	Seaside hinahina
Hemerocallis spp.	Daylily
Hemigraphis alternata	Metallic Plant
Hippeastrum puniceum	Amaryllis
Hylocereus undatus	Night-blooming cereus
Jacquemontia ovalifolia subsp. sandwicensis	Pa'u o Hi'iaka
Jasminum multiflorum	Star Jasmine
Lantana camara	Lantana
Lantana montevidensis	Trailing lantana
Lipochaeta lavarum	Nehe
Lipochaeta rockii	Nehe
Liriope spicata	Creeping Lilyturf
Microlepia setosa	Palapalai
Microsorium scolopendria	Laua'e
Nephrolepis biserrata 'furcans'	Fishtail Fern
Nephrolepis exaltata	Kupukupu
Ophiopogon japonicus	Mondo Grass
Osteomeles anthyllidifolia	'Ulei
Peperomia leptostachya	'Ala'ala Wai Nui Hawaiian Peperomia
Plumbago zeylanica	'Ilie'e
Portulaca lutea	Portulaca
Portulaca molokiniensis	'Ihi
Rhoeo discolor	Rhoeo
Ruellia ciliosa	Ruellia
Sesuvium portulacastrum	Akulikuli
Sida fallax	Ilima papa
Spathiphyllum spp.	Spathiphyllum
Trachelospermum jasminoides	Confederate jasmine
Vitex ovata	Pohinahina
Vitex rotundifolia	Pohinahina; Kolokolo kahakai
Wedelia trilobata	Wedelia

Botanical Name	Common Name

GRASSES

Cortaderia selloana	Pampas grass
Cynodon dactylon	Common Bermuda
Cynodon dactylon transvaalensis	Tifway
Cynodon magennisii	Sunturf
Cynodon spp.	Bermuda grass
Eremochloa ophiuroides	Centipede Grass
Paspalum vaginatum	Seashore Paspalum
Stenotaphrum secundatum	St. Augustine Grass
Zoysia japonica	Zoysia Meyer Z-52
Zoysia japonica x Z. tenuifolia	'Emerald' Zoysia
Zoysia matrella	Manila Grass
Zoysia spp.	Zoysia Grass
Zoysia tenuifolia	Temple Grass

Appendix C: Prohibited Plant List

The prohibited plant list in Appendix C consists of plants that will not work with the intended landscape design intentions. This list is not intended to include all unacceptable plants. The ACC reserves the right to reject any plant for any reason deemed necessary to protect the integrity of the landscape design intentions. Even if a plant has been installed elsewhere on the project it does not mean that it will be acceptable everywhere. The general intent is to use primarily native plant material when possible. While there are always exceptions, due to individual preference or difficult siting, native plants should be favored in planting design. Specialized or over-themed garden styles should be avoided along trails and streets. Tall grasses and plants with blue, red, yellow, variegated, grey, or other disquieting foliage colors should be avoided.

Any plant species, seed, spore, root stock or other variable plant form that is prohibited by the State of Hawaii from import into State, or any plant species, seed, spore, root stock or other variable plant form that has been listed as a noxious plant type by the State of Hawaii.

In addition to the plant types referenced above, the following species are prohibited for planting or maintaining anywhere in the Property:

Botanical Name	Common Name
Acacia mearnsii	Black Wattle
Acaena novae-zelandiae	New Zealand Bur, Piripiri
Acanthospermum hispidium	Star Bur
Acroptilon repens	Russian Knapweed
Aegilops triuncialis	Barb Goatgrass
Aeschynomene indica	Kat Sola, Indian Jointvetch
Ageratina adenophora	Croftonweed, Maui Pamakani
Ageratina altissima	White Snakeroot
Ageratina riparia	Creeping Croftonweed, Hamakua Pamakani
Alhagi maurorum	Camelthorn
Allium vineale	Wild Garlic
Amborisa spp.	Ragweeds
Andropogon bicomis	West Indian Foxtail
Andropogon virginicus	Broomsedge
Araucaria columnaris	Cook Pine
Araucaria heterophylla	Norfolk Pine
Ardisia elliptica	Shoebutton Ardisia

Botanical Name	Common Name
Aristida spp.	Three-awns
Asclepias spp.	Milkweeds
Astragalus spp.	Locoweeds
Bocconia frutescens	Plume Poppy
Cardaria draba	Hoary Cress
Cardaria pubescens	Hairy Whitetop
Carduss spp.	Plumeless, Musk
Centaurea solstitialis	Yellow Starthistle
Cereus uruguayanus	Spiny Tree Cactus, Peruvian Apple
Chromolaena odorata	Siamweed, Bitterbush
Chrysanthemum leucanthemum	Oxeye Daisy
Cirisium arvense	Canada Thistle
Clidemia hirta var. hirta	Kosters Curse, Curse
Coccinia grandis	Ivy Gourd
Convolvulus arvensis	Field Binweed
Convolvulus sepium	
Cortaderia jubata	Hedge Binweed
Crotalaria longirostata	Longbeak Rattlepod
Crotalaria spectabilis	Showy Crotalaria
Cupressus spp. Halio	Cypress
Cuscuta spp.	Dodders
Cymbopogon refractus	Barbwire Grass
Cyperus esculentus Y	Yellow Nutsedge
Cytisis monspessulanus	French Broom
Cytisis scoparius	Scotch Broom
Dichrostachys nutans	Marabu
Elephantopus mollis	Elephantopus, Elephant's Foot
Elephantopus spp.	Elephantopus
Elytrigia repens	Quackgrass
Emex australis	Emex
Emex spinosa	Spiny Emex
Eriocereus martinii	Moon Cactus
Eucalyptus spp.	Eucalyptus
Euphorbia esula	Leafy Spurge
Euphoria serrata	Toothed Spurge
Grevillea baiiksii	Kahiliflower, Bank's Grevillea
Guara spp.	Guara
Halogeton glomeratus	Halogeton
Helianthus ciliaris	Blueweed
Hypericum perforatum	Common St. John's Wort
Hyptis pectinata	Comb Hyptis
Hyptis suaveolens	Wild Spikenard
Imperata cylindrica	Congograss
Lactuca pulchella	Blue Lettuce
Lagascea mollis	Acuate
Lepidium latifolium	Perennial Pepperweed
Malachra alceifolia	Malachra
Medinilla venosa	
Melastoma spp.	Melastoma

Botanical Name	Common Name
Miconia spp.	Miconia
Mikania micantha	Mile-a-Minute
Mikania scandens	Climbing Hempweed
Mimosa invisa	Giant Sensitiveplant
Mimosa pigra	Thorny Sensitiveplant
Miscanthus floridulus	Miscanthus, Japanese Silvergrass
Montanoa hibiscifolia	Tree Daisy
Myrica faya	
Oxyspora paniculata	Firetree, Candleberry Myrtle
Oxytropis spp.	Locoweeds
Panicum repens	Torpedograss
Passiflora mollisima	Banana Passionfruit, Banana Poka
Passiflora pulchella	Wingleaf Passionfruit
Piper aduncum	Spiked Pepper
Pittosporum undulatum	Victorian Box
Prosopis juliflora	
Pueraria phaseoloides	Tropical Kudzu
Rhodomyrtus tomentosa	Downy Rosemyrtle
Rorippa austriaca	Austrian Fieldcress
Rubus argutus	Prickly Florida Blackberry
Rubus ellipticus var. obcordatus	Yellow Himalayan Raspberry
Rubus niveus	Hill Raspberry
Rubus sieboldii	Molucca Raspberry
Salsola kali	Russian Thistle
Schinus terebinthifolius	Christmas Berry
Senecio madagascariensis	Fireweed
Solanum carolinense	Horsenettle
Solanum elaegnifolium	Silverleaf Nightshade
Solanum robustum	
Solanum rostratum	Buffalobur
Solanum torvum	Turkeyberry, Terongan
Sonchus arvensis	Perennial Sowthistle
Sorghum almum	Almum Sorgum
Sorghum halepense	Johnsongrass
Spartium junceum	Spanish Broom
Stipa spp.	Needlegrasses
Stipa trichotoma	Nasella Tussock
Striga spp.	Witchweeds
Tacniatherum caput-medusae	Medusahead
Tagetes minuta	Wild Marigold
Themeda villosa	Lyon's Grass
Tibouchina spp.	Tibouchina
Tribulus terrestris	Puncture Vine
Triumfetta rhomboidea	Paroquet Bur
Triumfetta semitriloba	Sacramento Bur
Ulex europacus	Gorse
Urena lobata	Caesarweed
Verbascum thapsus	Mullein
Xanthium spp.	Cockleburs

Appendix D: Governing Regulations

All proposed Improvements shall comply with the following regulations:

- This Guideline document.
- The Declaration of Covenants, Conditions and Restrictions for Kohala Ranch.
- All applicable Hawaii County Ordinances, Regulations and Codes.
- All applicable Local, State and Federal Codes and Regulations.
- All project approval documents issued by any agency having regulatory jurisdiction over the project.

Appendix E : Lot Survey Requirements

The following information shall be included in all surveys of individual Homesites at Kohala Ranch. These standards will allow for easier review and coordination of the designs within the entire project.

All drawings should be drawn in AutoCAD R14 or 2000 with the coordinate system and vertical datum conforming to the project engineer's coordinate system, which will be provided at the request of the surveyor. All AutoCAD entities (line types, colors, etc.) to be 'by layer'. All line type scales set at 1. Survey drawn at 1/1 formatted in architectural units. The survey is to be plotted at 1"=20' for review purposes. X-refs should be placed on individual specific layers (i.e. x-diagram).

The following items should be shown on separate layers: property boundaries; Buildable Area and transition areas; easements; all utilities including but not limited to the following:

- Electrical
- Potable water
- Gas
- Fiber Optics / Cable TV lines

Utilities to show, where possible, depth of bury, location and points and sizes of service.

The following site elements are to be shown on the survey:

- Location of existing streams, wetlands, lakes, or ponds. (if applicable)
- Rock outcrops with spot grades at base and high points.
- Existing trees (6" or greater in caliper, measured 12" above grade) with spot grades at trunk. Type of tree to be shown with trunk diameter and approximate height and canopy spread for trees over 12" in caliper measured 12" above grade.
- Existing walls with TW and BW grades, if any.
- Edges of existing pavement.
- Any improvements within 30' of property line.

All Homesites are to show grades drawn with polylines in the following manner–1' contours and 10' contours shown on separate layers with zero width to polylines.

Other information may be required by the permitting authorities, and it is the lot surveyor's responsibility to ensure that the survey meets those requirements.