

DESIGN COMMITTEE RULES AND GUIDELINES
PURSUANT TO THE DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS OF THE SEACLIFF PLANTATION AT
KILAUEA BAY COMMUNITY (AS AMENDED)

The following rules and guidelines (herein called the "Design Rules") are hereby established and adopted by the Design Committee of the Seacliff Plantation at Kilauea Bay Community (herein called the "Design Committee"), pursuant to Section 4.04 of the Declaration of Covenants, Conditions and Restrictions of the Seacliff Plantation at Kilauea Bay Community, dated August 31, 1983, and recorded in the Bureau of Conveyances of the State of Hawaii in Liber 17405 at Page 411, as amended by that certain Amended Declaration of Covenants, Conditions and Restrictions of the Seacliff Plantation at Kilauea Bay Community, dated September 9, 1988, and recorded in said Bureau of Conveyances in Liber 22367 at Page 21, and as may be further-amended from time to time (herein called the "Declaration").

Except as otherwise specifically provided herein, the terms used in these Design Rules shall have the meanings given to them in the Declaration.

The use of each and every farm dwelling site and each lot in the Seacliff Plantation at Kilauea Bay Community (herein called the "Community") and the rights of each Owner of a farm dwelling site and/or lot in the Community shall be subject to these Design Rules and the Declaration.

A. GENERAL STATEMENT

Owners of real estate within a particular subdivision find that dedication to standards of quality and the maintenance of these standards are vital to the preservations of value of their property and to the enjoyment of the residents over the years. To maintain and, if possible, improve the environmental quality of the Community a Design Committee has been established pursuant to the Declaration to guide any new improvements towards a clearly established standard of quality for the area.

The establishment and maintenance of such a standard of quality for the Community is not an easy thing to do in view of the differences in people's tastes and means, however, the developer has a responsibility to all the Owners to establish adequate standards of quality and design and to provide the necessary discipline to adhere to those standards so that the finished ed agricultural subdivision will provide the optimum enjoyment, productive potential, and value protection for all owners.

The Declaration, together with these Design Rules for the Seacliff Plantation at Kilauea Bay Community are intended to accomplish these goals by establishing criteria and guidelines for controlling the real property use.

The intent of these Design Rules is to provide guidelines and standards for the Design Committee in their review and evaluation of proposed improvements within the Community.

All improvements, including site work, buildings, structures and landscaping, shall be subject to these Design Rules. No Owner as set forth in the Declaration shall be permitted to construct any improvements unless he or she has received express approval from the Design Committee.

B. GENERAL PROVISIONS

1. Design Committee Approval Required. Except as otherwise provided in the Declaration, no new improvements may be constructed nor may any existing improvement be materially altered on any lot, except in accordance with plans, specifications and other materials (the "Plans") submitted to and approved by the Design Committee, and in accordance with the Declaration and the applicable Design Rules.

2. Public Regulations. Each Owner is responsible for being informed of and complying with the appropriate federal, state and county laws, rules, regulations, codes and ordinances, which are applicable to his/her property. If a standard set forth herein differs from standards established by the various regulating agencies, the stricter standard shall apply.

3. Compliance with Declaration. All Owners shall comply with the provisions of the Declaration

4. Limited Liability. By the establishment and/or enforcement of these Design Rules, neither Declarant, nor the Design Committee, nor any of the members, employees, officers or directors of any of the foregoing shall be deemed to have made any representation whatsoever concerning the view, if any, available to a particular farm dwelling site or Lot or any improvement constructed thereon. Neither Declarant, nor the Design Committee, nor any of the members, employees, officers or directors of any of the foregoing shall be liable to an Owner or any other person for any damage, loss or Prejudice suffered or claimed on account of the following, provided that the person against whom the claim is made was, upon the basis of such information as may be actually possessed by him, acted in good faith and without willful or intentional misconduct:

- a) the approval or disapproval of any plans, specifications and other materials, whether or not defective; or
- b) the requiring of modifications to any plans as a condition of the Design Committee's approval thereof; or
- c) the construction or performance of any work, whether or not pursuant to approved plans, specifications and other materials; or
- d) the development or manner of development of any land within the Community; or
- e) the performance of any other function pursuant to the provisions of the Declaration or these Design Rules.

C. GENERAL GUIDELINES

The following design guidelines and standards are intended to be helpful in applying the design philosophy. In establishing these rules, guidelines, and standards, and in passing on the plans submitted by Owners, it is the Design Committee's intent to balance strict compliance to certain (hard to define) principles applicable to all development within the Community with enough flexibility (or suggested alternative solutions) to allow individuality of taste to be expressed.

1. Siting. The siting of all buildings and structures should be in harmony with existing structures, the topography of the parcel and other improvements, and should protect the views from all Lots within the Community, maintain the character of the area, minimize disturbance of natural land forms and vegetation patterns of the area, and be as permitted by the County of Kauai pursuant to Special Management Area Use Permit SMA(U)-82-2.

The siting of all structures and agricultural activities should conform to the general standard of quality of the subdivision. Improvements should be designed so as to minimize regrading work and change the existing contours as little as possible. Improvements should take advantage of existing natural features, and allow the site to guide the design. Owners should take advantage of all the property's features, but also take care to consider other property owners in the subdivision.

2. Architectural Style and Development. Improvements should establish 6 harmonious character. Buildings should be designed to allow individuality within the subdivision without discordant diversity of architectural style. Uses of the land that are consistent with the capability of the area are encouraged, while uses which create noxious or unsafe conditions for other Owners, farm dwelling sites, and Lots within the Community will be disallowed.

Buildings should be designed so that they do not appear bigger or taller than necessary. Unbroken two-story exterior walls should be avoided. Where possible, the rooflines of two-story buildings should be brought down to the first floor eave level. Structures should be designed to blend with the natural landscaping and grade of the area. Suggested techniques include "stepping down" the floors of buildings, and Varying floor levels, number of stories and roof planes. Use of fences or walls to enclose areas around the structure is encouraged to provide privacy, wind shelter, and a good transition from landscaping to structure.

3. Drainage. The County's drainage control ordinances are explicit. Site grading should be designed so as to accommodate drainage onto and off each Owner's farm dwelling site or Lot without erosion, danger to

Life, or damage to land (soil) and improvements, both onsite and offsite under heavy rainfall conditions. Care should be taken to avoid problems, which usually occur on uphill sides of buildings, at entrances, roof drain locations, and large paved areas. Drainage easements and restrictions set forth in the Declaration shall be observed.

4. Landscaping Design. The landscape setting is an integral part of Hawaiian architecture and strongly influences the overall success of a site. In general, landscaping should maintain the natural foliage and improve the appearance of individual parcels in particular and the area in general. Insofar as practical, landscaping should avoid disturbing existing ground cover and should ensure that manmade structures and improvements are properly screened from view from neighboring property or public roads. Landscaping should be simple in design, and landscape materials should be chosen to fit the environment. Plantings along the street frontage should be uniform and integrated with any fencing or walls. Accent plantings at driveway entrances are encouraged. Landscaping should not be intrusive on the viewplanes of the neighboring properties.

5. Roof. The roof is the most significant architectural feature and will be the most diligently controlled by the Design Committee. While variation of roof planes is encouraged to blend structures with the landscape, Owners should strive to design roofs with uniform pitches, which are harmonious with the surroundings. Roofs with combination pitches, if well executed, may be permitted by the Design Committee. Flat roofs shall not be permitted.

6. Fences. Fences should be designed to match the building materials and should be geometrically related to the entire structural complex. Hedges or windbreaks are excellent alternatives to the fence or wall to break the wind, provide privacy or screen unsightly uses.

7. Quality. In order to assure an adequate level and uniformity of quality in the area, the Design Committee will approve or disapprove plans based on the quality of materials and on the adequacy of the construction methods specified in the plans as they affect design detailing, finishes and durability.

8. Overall Effect. The overall effect of the subdivision and Me improvements therein should be one of natural materials, natural textures and natural colors and forms compatible with those occurring in the natural landscape of the area.

9. Disclaimer. Approval by the Design Committee does not warrant or imply the legality, safety, utility, durability or economy of any improvement constructed pursuant to such approval.

D. SITE IMPROVEMENT STANDARDS

Without limiting the generality of the General Guidelines set forth above, all site improvements shall conform to the following standards and guidelines:

1. Occupancy Limitations. No farm dwelling(s) on any Lot shall be used for living purposes by more persons than the dwelling was designed to accommodate pursuant to plans approved by the Design Committee. No portion of any Lot, other than the portion on which the permitted farm dwelling(s) are situated, shall be used as a residence or for living purposes. No mobile home, trailer home, portable building, shed, quonset hut, tent, or similar structure shall be used as a residence or for living purposes on any Lot.

2. Utilities. No overhead power lines shall be erected on any Lot except by the Declarant or by a public or private utility authorized to do so by the Declarant. No wind generators shall be erected on any Lot. No antennae, aerials, satellite discs or other devices for the reception or transmission of radio or television broadcasts or other means of communication shall be erected or maintained on any Lot unless such devices are screened from view from adjoining properties and roads. All other utilities within a Lot shall be placed underground or screened or enclosed as hereinafter provided.

(a) Water. Upon construction of a farm dwelling, each Owner shall connect the water lines serve his dwelling to the central water distribution system owned and operated by the County of Kauai. Multiple farm dwellings on the same lot may be required to share water meters.

(b) Sewage Disposal. No outside toilet shall be constructed on any Lot. Upon construction of a farm dwelling, each Owner shall install a septic tank cesspool or other sewage disposal system capable of handling all waste from his dwelling and Lot and approved by the appropriate governmental authorities. All plumbing fixtures, toilets and sewage disposal systems shall be connected to said septic tank, cesspool or other sewage disposal system.

(c) Propane Gas. If an owner opts for propane gas in addition to the available electrical service, the gas tank must be kept underground or within an enclosure which screens the tank from adjacent Lots and streets and, which is approved by the Design Committee.

3. Drainage. The flow of surface and/or subsurface drainage onto, across, or from each Lot shall not be unreasonably obstructed, or transferred outside of its natural drainage course. Such runoff shall be dispersed or channeled by surface swales or other facilities in such a manner as to prevent erosion and damage to property. No Owner shall construct or permit to be constructed on any Lot any improvements which will create a problem of flooding, erosion, or interference with natural flow of storm waters or cause damage to land or improvements belonging to the Association or neighboring Lot Owners.

Each Owner shall provide for the Installation of such culverts and drainage facilities upon his Lot as required by the Design Committee. Each Lot Owner shall keep all such drainage facilities and culverts so installed on his Lot free and unobstructed and in good repair.

4. Construction Operation Hours. Hours of construction operation shall be limited from 7:00 a.m. to 6:00 p.m., Monday through Saturday.

5. Required Setbacks. The required front, rear, and side yard setbacks from the respective boundaries of each Lot as may be imposed by the County of Kauai shall be observed.

Construction within the required setback areas shall be limited to driveways, walkways, fences or walls not more than 72 inches in height, and landscaping; provided that no structures shall be permitted beyond the building setback line which was approved by the County of Kauai in SMA(U)-82-2, as noted in the Declaration.

6. Building Height. To protect views and to insure a blending of structures, the natural environment, no structure or other improvements may be erected which has a height exceeding 25 feet, measured vertically from grade at all points along the structure to the roof peak; provided, however, that notwithstanding compliance with the foregoing height limitations, the Design Committee shall have the power to deny approval of any structure or improvement on a Lot which substantially impairs views from adjoining Lots.

7. Site Grading. Grading and finished elevations shall respect the existing contours of the site. Excessive cuts or fill banks shall be avoided. In the event of any excavation on a Lot, the Owner of such Lot shall provide such artificial support as is necessary to support adjacent Lots.

Excavations or fills of greater than 18 inches in depth or 100 square feet in area are improvements, which require Design Committee approval. The Lot Owner shall present sound reasoning to justify such work.

All dirt and debris resulting from excavation must be removed from the Lot prior to completion of the improvements. Exceptions will be made by the Design Committee if excavated dirt is immediately used for fill elsewhere on the Lot. Except where conditions make such excavation unavoidable, no excavation on a Lot shall affect any adjacent Lot. Each Owner shall control dust during the grading process to minimize annoyance, which may be caused to other Lot Owners.

Each Lot Owner shall obtain a grading permit (if required by County ordinance or regulation) from the County of Kauai and shall submit a copy thereof to the Design Committee prior to commencing any site improvements. In order to preserve a natural appearance, grading should be limited to the building and landscaped areas. So as to prevent potential problems from soil erosion, all land not landscaped or built

on within 12 months after "completion of grading" shall be returned to its original state, as determined by the Design Committee. "Completion of grading" shall be determined by the Design Committee in its sole discretion.

8. Dwelling Requirements. Each farm dwelling erected on a Lot shall have a total floor area of not less than 2,000 square feet, exclusive of lanais, patios, servant's quarters, attached guest house or facility, garage storage space, and workshop. A single guest facility per Lot which is designed to accommodate no more than three (3) temporary guests, and which does not contain a kitchen or kitchen facilities, may be included as part of one such farm dwelling per Lot. Such guest facility shall have a total square area of not less than 400 or more than 500 square feet, exclusive of lanais, porches, patios, garages, exterior stairways and landings and exclusive, also, of the farm dwelling to which the guest facility is appurtenant.

9. Construction Schedule. Construction of improvements shall commence within 12 months after the date of approval of the plans and clarifications is given by the Design Committee. Every improvement constructed on a Lot shall be completed within 12 months after commencement of construction.

10. Animals. Except for dogs, cats and other typical household pets kept in reasonable numbers and under reasonable conditions, no animal shall be kept or maintained on any Lot except with the approval of the Design Committee, which shall have the power to control, in accordance with the standards set forth below and other uniformly applied standards from time to time adopted by the Design Committee, the kinds of animals which may be kept or maintained on a Lot, the numbers of each type of animal which may be kept or maintained on a Lot, and the conditions under which such animals may be kept or maintained, including, without limitation, the kind of structures or enclosures in which such animals may be kept. All animals kept or maintained on a Lot, whether domestic pets, livestock, poultry, game and fish or any other animal or aquatic life Propagated for economic or personal use shall be kept and maintained only in a density compatible with neighboring residential and agricultural use and shall be cared for in conformance with practices of good animal husbandry, including but not limited to: (a) prompt removal of excess amounts of manure and other waste; (b) disposal of an ecologically sound manner of any effluent from the practice of aquaculture or other processes; (c) control of flies, insects, worms and other pests; (d) adequate fencing and animal housing facilities adequate to restrict such animals and poultry to the Lot where maintained; (e) control of noise and noxious odors to levels which are customary under practices of good animal husbandry and which are compatible with neighboring residential and agricultural use. Storage of hay, fodder and other food supplies shall be accomplished in such manner as to prevent scattering of such materials by the wind. notwithstanding standing the foregoing, the keeping and maintaining of pigs, chickens (except for personal use and consumption)

and fighting chickens are expressly prohibited as being incompatible with the neighboring residential and agricultural use.

11. No unsightliness. No unsightliness shall be permitted on any farm dwelling site or Lot. Without limiting the generality of the foregoing: (a) all unsightly structures, facilities, equipment, objects and conditions shall be enclosed within an approved structure or appropriately screened from view so as not to be visible from neighboring property; (b) all agricultural, garden or maintenance equipment and all tractors and trucks of more than one ton capacity shall be kept at all times in an approved enclosed structure or screened from view so as not to be visible from neighboring property, except when in actual use or unless such vehicle is necessary to and regularly used for a agricultural activities conducted on the Lot; (c) refuse, garbage and trash shall be kept at all times in a covered container and any such container shall be kept within an approved enclosed structure or appropriately screened from view so as not to be visible from neighboring property; (d) service areas, storage piles, compost piles and facilities for handing, drying or airing clothing or household fabrics shall be appropriately screened from view so as not to be visible from neighboring property; (e) to the extent practical, all pipes or water, gas, sewer, drainage or other purposes and wires, antennae and other facilities for the transmission or reception of audio or visual signals or electricity, and utility meters or other utility facilities and gas, oil, water or other tanks, and sewage and disposal systems or devices shall be kept and maintained within an approved enclosed structure or below the surface of the grounds; (f) no lumber, grass, shrub or tree clippings or plant waste, metals, bulk materials or scrap or refuse or trash shall be kept, stored or allowed to accumulate on any Lot except within an approved enclosed structure or appropriately screened from view so as not to be visible neighboring property; (g) no trailer, vehicle or boat shall be constructed, reconstructed, repaired or maintained upon any Lot in such manner that such construction, reconstruction, repair or maintenance is visible from neighboring property , nor shall any vehicle not in good operating condition be placed, kept or maintained upon any Lot so as to be visible from neighboring property, provided that nothing in this paragraph shall prevent an Owner from performing minor maintenance work and minor repairs on his own trailer, vehicle or boat in his garage or maintenance building; and (h) no garage or accessory building shall be used for other than the parking of vehicles, farm machinery and implements or boats, unless the same is enclosed by a partition, wall, door, or screen normally kept closed. Specifically, and without limiting the generality of the foregoing no garage or accessory building not so enclosed shall be used for a laundry or for storage purposes or as a hobby shop or carpenter shop.

E. ARCHITECTURAL STANDARDS

In addition to the foregoing General Guidelines and Site improvement Standards, the following architectural standards shall guide the improvement of all Lots.

1. Plans. See Section F for required items to be submitted for review and approval by the Design Committee prior to the construction, alteration, landscaping or grading of any improvement on a Lot.
2. Geodesic Domes. Geodesic domes and structures which incorporate geodesic domes in their external design shall be prohibited.
3. Portable Buildings, Mobile Homes, Quonset Huts. Temporary or portable buildings, mobile homes, and quonset huts shall be prohibited. Used buildings transported to the subdivision shall also be prohibited.
4. Labor and Materials. All construction work shall be performed, executed and completed by a general contractor licensed to practice in the State of Hawaii.

The materials used for structures shall be new and of a quality consistently associated with that used in quality homes. All building materials shall be installed in a neat and workmanlike manner, consistent with generally accepted construction practices. No used buildings shall be placed on any Lot, nor shall any used lumber or materials be a part of the construction of any improvement. Notwithstanding the generality of the foregoing, however, antique or aged materials may be used in the construction of improvements to achieve a desired aesthetic effect with the approval of the Design Committee (e.g., used brick, railroad ties, barn wood).

5. Exterior Dwelling Walls. The building material of the exterior walls of all dwellings shall be predominantly wood, masonry, and/or stucco.

All exterior surfaces of all improvements shall be in neutral or earth tone shades. Samples of exterior colors shall be submitted to the Design Committee for review and approval. The Design Committee may prepare a color palette of acceptable colors for use in the Community, and require all improvements to comply with the said color palette.

Vinyl or prefinished metal siding shall not be allowed and plywood siding shall be discouraged unless all joints are concealed and the Design Committee's approval is obtained.

6. Roofs. Roofs shall be of wood shake or shingle, clay tile, or other materials of minimum reflectivity as specifically allowed by the Design Committee. The use of any roofing material, which is highly reflective, such as corrugated iron, tiles with a smooth, shiny finish, and the like, shall be prohibited.

7. Solar Heating Systems. Roof panels of solar heating systems should be sited so as to minimize their visibility from the streets and adjacent Lots within the Community. All such roof panels shall be mounted flush with the roof and shall be subject to review and approval by the Design Committee.
8. Glare Prevention. No highly reflective finish, other than glass (which, however, may not be mirrored), shall be used on exterior surfaces, including without limitation, roofs, exterior walls, retaining walls, doors, trim, fences, pipes, permanent outdoor equipment, mailboxes and newspaper tubes.
9. Chimneys. Chimneys are permitted but shall be subject to the review of the Design Committee in regard to height, material, color, spark arrestor and appearance.
10. Garages. Each farm dwelling constructed on a Lot shall have appurtenant to it a garage designed to accommodate at least two automobiles which is architecturally harmonious with the farm dwelling. All garages shall be located to minimize the visibility of parked cars from the streets.
11. Foundations. Retaining walls and foundations which are more than 3 feet in height or which are placed upon embankments or filled areas shall be designed by an Architect or Engineer licensed to practice in the State of Hawaii and such designs shall require approval of the Design Committee.
12. Maintenance of Lots. Each farm dwelling site, whether occupied or unoccupied, and all improvements placed thereon, shall at all times be maintained in good, clean and attractive condition and in such a manner as to prevent such farm dwelling site, Lot, and improvements from becoming unsightly, unsanitary or a hazard to health. Each Owner shall, at his own expense, trim and restrain all trees, shrubs and plantings so that they do not exceed applicable height limits, if any, set by the Design Committee, nor overhang or otherwise encroach upon, any street or adjoining Lot, nor materially interfere with the view across such Lot from other Lots, unless prior approval of the Design Committee is obtained.
13. Abandoned Constructions. If construction of a dwelling or any other improvement is at any time abandoned, the Lot Owner shall cause the Lot to be cleared and returned to its original condition until recommencement of construction.
14. Driveways. Driveways shall use gravel or asphalt or concrete pavement, or other materials approved by the Design Committee.
15. Lighting. Exterior lighting plans shall be a part of the plans submitted to the Design Committee for review and approval. No light shall be emitted on any Lot, which is unreasonably bright or causes unreasonable glare. Exterior light sources shall not be visible from neighboring

property. High intensity discharge exterior lights, including, without limitation, mercury vapor lamps or lamps which emit light of a similar character, fluorescent lamps, and neon lamps and tubing, shall not be permitted. All exterior lights shall be shielded downwards.

F. REQUIREMENTS AND PROCEDURES FOR SUBMISSION AND APPROVAL OF PLANS

1. Design Approval Procedure. In order to avoid frustration and unnecessary expense, it is strongly recommended that the following procedure be followed in a step-by-step sequence to obtain design approval.

Step One:

Gather basic facts about your site such as: topography, tree locations, property lines, wind direction, sun exposure, view planes and directions, building setback lines, height restrictions, driveway access route, drainage courses, soil classifications and depths, field layout, irrigation system, etc.

Step Two:

Select an Architect, landscape architect or land planner. Consider site in relation to crop, orchard, ponds, stables or other use of the property. Decide on location of the farm dwelling and any accessory buildings and improvements.

Step Three:

You and your Architect, landscape architect or land planner have a preliminary discussion with a member of the Design Committee (via personal meeting or telephone call) to verify understanding of the area of harmony and differences between your initial ideas and guidelines. Only then should you authorize your Architect, landscape architect or land planner to do any design work.

Step Four:

Prepare schematic drawings of your proposed improvements. Schematic drawings are simple drawings intended only to show the general concept of the improvements in order to get concurrence by the Design Committee before investing in detailed working drawings. In normal industry practice a set of schematic drawings show:

- a) The boundary, topography, and all basic facts of the site in accurate detail as evidence that all subsequent design will be soundly based.
 - b) A simple site plan showing the location of buildings, agricultural areas, fences, ponds, roofed areas, paved areas, principal trees, roads, irrigation improvements, utility lines and improvements.
 - c) A simple drawing of the buildings with spaces labeled and openings indicated. Indicate elevation grade of floors.
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- d) A single line roof plan showing ridges and eaves.
 - e) Two or three simple elevation drawings showing the principal exterior elevations (front, back and a side).

- f) Principal exterior materials should be labeled: roof, walls, fences, windows, and ground cover.

Step Five:

Submit the schematic drawings to the Design Committee for review. This will be the point where major differences between guidelines and your intent are discovered. At this stage the investment in drawings and specifications has been limited and changes can be incorporated easily and relatively inexpensively. At this review the Design Committee will be looking primarily at:

- a) General siting of the buildings and structures -- where they are on the Lot and how they fit into the topography.
- b) Compliance with setback, height and view plane rules.
- c) Functional practicality of the scheme.
- d) Building massing and roof shapes.
- e) Very general architectural style, including exterior materials.
- f) Driveway and entry arrangements to dwellings and accessory buildings.
- g) Drainage and grading effect.
- h) Agricultural improvement plan.
- i) Landscape plan, if any.

To avoid unproductive design expenditures, you should wait receipt of the Design Committee's comments before proceeding further with design otherwise you may be wasting design expense.

If you and your Architect, landscape architect or land planner are not sure about the intent of the Design Committee's comments, then a personal or telephone discussion is desirable before proceeding.

ALL SUBMISSIONS SHOULD BE IN DUPLICATE; one set to be retained in Design Committee files, and one set to be returned each time with comments or approval stamp.

The Design n Committee will approve or disapprove the preliminary plans in writing within in 45 days after receipt by

the Design Committee of a completed application, including the plans. If the Design committee disapproves of any such plans, it will send notice of its disapproval to the person or persons applying for said approval at the address set forth in the application. If notice of approval or disapproval is not sent within said 45 day period, the preliminary plans submitted shall be deemed to have been approved by the Design Committee.

The Committee shall, in reviewing plans, specifications and other materials submitted to it, consider the suitability of the proposed building, landscaping, grading, or other improvement or use for the area in which it will be located; their compliance with the Declaration and any applicable Design Rule; the quality of the materials to be used in construction; and the effect of the proposed building, landscaping, grading, or other improvement or use, including without limitation the effect thereof on view planes of other Lot Owners. The Committee shall require that the overall visual character of the Community be one of natural materials, natural textures, natural colors and forms compatible with those occurring in the natural landscape and that the roofs and other exterior portions of all buildings and other improvements in the Community conform to aesthetic standards contained in and/or be constructed with materials specified in these Design Rules. The Design Committee may grant variances from time to time from the strict requirements of the Design Rules, provided that the variance does not violate any of the standards set forth herein or in the Declaration, and provided also that the proposed building, landscaping, grading or other improvement would be suitable for the location in which it is to be located. The approval or disapproval of any plans or specifications or other materials by the Design Committee in any one case shall not be deemed a waiver by the committee of its right to approve, disapprove, object to or consent to any Of the features or elements embodied therein when the same features or elements are embodied in plans submitted in any other cases.

THIS FIFTH STEP MAY BE REPEATED IN ORDER TO OBTAIN DESIGN COMMITTEE APPROVAL AND TO SATISFY THE DESIGN COMMITTEE'S CONCERNS.

Step Six:

Complete detailed working drawings and specifications consistent with schematic drawings showing at least the following:

- a) Site plan at 1/8" - 1' scale or larger showing:
 - 1) Property lines and dimensions.
 - 2) Setback and height limits and view channels.
 - 3) Existing 2' contour lines and final 2' contour lines after any proposed grading with elevations above sea level shown.
 - 4) Solution of surface drainage with elevations of invert.

- 5) Buildings, fences and walls locations and roof edges.
 - 6) Driveways and walks and other paved areas.
 - 7) Compass and wind rose and view directions.
 - 8) Cesspool location.
 - 9) Proposed retaining walls.
 - 10) Location of major trees and shrub massings indicate, new or existing.
 - 11) Agricultural areas, windbreaks, ditch system, etc.
 - 12) Landscaping, if any.
- b) Floor plans of principal structures for each level showing layout and uses and location of openings and exterior living areas and floor elevations and edges of roofs. Drawings scaled at 1/8" - 1' or larger.
- c) A scaled drawing of each of four exterior elevations of the principal structures at least 1/8" - 1' or larger showing:
- 1) Roof shape, pitch, overhand and material.
 - 2) Exterior wall material, color, textures, and window and door details including frame materials.
 - 3) Fences and walls related to the structure.
 - 4) Details of railings and any other applied exterior decorative features of the improvements.
- d) Agricultural and Landscaping Plan showing:
- 1) Principal trees, their mature height and canopy spread as well as species.
 - 2) Ground cover boundaries and material.
 - 3) Agricultural improvement plan.
 - 4) Layout of irrigation system.
 - 5) Location and fixture type of any lighting on the exterior of buildings or on grounds.
- e) Outline specification of materials and methods.
- f) Actual color and material samples for all exterior surfaces or as requested by the Design Committee at time of schematic plan approval.

Step Seven:

Submit six (6) copies of the above-described final working drawings with Architect's or registered engineer's stamp affixed, final specifications, and the required fees payable to the Design Committee, for comments or approval.

a) Review of Plans. The Design Committee will approve or disapprove the plans in writing within 60 days after receipt by the Design Committee of a completed application, including the plans. If the Design Committee disapproves of any such plans, it will send notice of its disapproval to the person or persons applying for said approval at the address set forth in the application. If notice of approval or disapproval is not sent within said 60-day period, the plans submitted shall be deemed to have been approved by the Design Committee. After approval of any plans, the Design Committee will, upon written request from the person seeking said approval, provide said person with a statement of approval in a form appropriate for recordation.

b) Standards of Review. The Design Committee shall, in reviewing plans, specifications and other materials submitted to it, consider the suitability of the proposed building, landscaping, grading, or other improvement or use for the area in which it will be located; their compliance with the Declaration and any applicable Design Rule; the quality of the materials to be used in construction; and the effect of the proposed building, landscaping, grading or other improvement or use in the Community, including without limitation the effect thereof on view planes of other Lot Owners. The Committee shall require that the overall visual character of the Community be one of natural materials, natural textures, natural colors and forms compatible with those occurring in the natural landscape and that the roofs and other exterior portions of all buildings and other improvements in the Community conform to aesthetic standards contained in and/or be constructed with materials specified in these Design Rules. The Design Committee may grant variances from time to time from the strict requirements of the Design Rules, provided that the variance does not violate any of the standards set forth herein or in the Declaration, and provided also that the proposed building, landscaping, grading or other improvement would be suitable for the location in which it is to be located. The approval or disapproval of any plans or specifications or other materials by the Design Committee in any one case shall not be deemed a waiver by the Design Committee of its right to approve, disapprove, object to or consent to any of the features or elements embodied therein when the same features or elements are embodied in plans submitted in any other cases.

2. Fees. The Design Committee shall have the right to require payment of a reasonable fee for review of proposed plans. Until and unless adjusted by the Design Committee by amendment of these Design Rules, such review fee shall be \$500.00.

3. Professional Advice. The Design Committee may employ the services of an Architect, landscape architect, land planner, attorney, or any other consultant to render professional advice, and may pay a reasonable compensation for such services, which compensation may be charged, in addition to the fee as provided in the preceding paragraph F(2) above, to any person who has submitted plans requiring review by such architect, landscape architect, land planner attorney, or other consultant, provided that such compensation may be charged to such person only if he has been informed in advance that such compensation will be charged to him.

G. REMEDIES

In the event any Lot Owner shall fail to comply with the Declaration or any of these Design Rules, the Design Committee shall have available to it all of the rights and remedies described in the Declaration, including without limitation the following:

1. Enforcement Costs; Lien Rights. If any court proceedings are instituted in connection with the right of enforcement and/or remedies provided in these Design Rules or the Declaration, the Design Committee shall be entitled, in the event it shall prevail in such proceeding, to recover its costs and expenses in connection therewith, including reasonable attorneys' fees. The Committee shall have a Lien against an Owner's Lot for any unpaid fees, compensation or other charges for which such Owner is obligated under these Design Rules or the Declaration to pay to the Design committee, The rights and remedies provided for in this Section G.1 are cumulative with all other rights and remedies available to the Design Committee and/or the Association under these Design Rules, the Declaration and at law and in equity.

2. Notice of Nonconformance. The Design Committee may record a Notice of Nonconformance against an Owner's Lot if improvements have not been approved, if any approval has been revoked, if any improvement has not been completed in accordance with approved plans, if any improvement has not been completed within the appropriate time period, or if any improvement has not been maintained in conformity with the Design Rules.

ADOPTED on this 15th - day of September, 1988.

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DESIGN COMMITTEE OF THE SEACLIFF
PLANTATION AT KILAUEA BAY
COMMUNITY

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