

WAILUKU COUNTRY ESTATES COMMUNITY ASSOCIATION, INC.

ARCHITECTURAL DESIGN GUIDELINES

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2.0 Purpose and Authority

2.1 WCE Covenants

All buildings, structures, and improvements, or any alterations, changes, or remodeling of same, on any lot in the Project are all subject to the approval of the “Community Design Committee” (also known as “WCE Design Committee” or “Design Review Committee”, or “DRC”) created under the Wailuku Country Estates Declaration of Covenants, Conditions & Restrictions, as amended (“WCE Covenants”). The procedures for preparing and obtaining approval of the plans are set forth in the WCE Covenants. Lot owners are responsible for complying with such procedures and obtaining such approvals. Lot owners may apply to the Community Design Committee and/or the WCE Board of Directors, for a waiver or exemption from complying with the Guidelines.

These “Architectural Design Guidelines” or “Guidelines” are used by the DRC to approve or disapprove all projects brought to it for review and approval. The intent is for the lot owner and the DRC to work together in the design process such that each project conforms to the common community standards set forth in these Guidelines.

To the extent there is a conflict between the WCE Covenants and these Guidelines, the WCE Covenants shall control.

2.2 References

<http://www.mauiproperty4you.com/WailukuCountryEstates/index.php>

Assignment of Rights to Amend Declaration, Bylaws and Design Guidelines 071210

<http://www.mauiproperty4you.com/WailukuCountryEstates/Files/555e65048032b.pdf>

Assignment of Right to Approve Additional Covenants 060809

<http://www.mauiproperty4you.com/WailukuCountryEstates/Files/555e6525b879a.pdf>

[Bylaws - WCE Community Association, Inc.](#)

<http://www.mauiproperty4you.com/WailukuCountryEstates/Files/555e63e0e4e3d.pdf>

CC&R's - Pages 1-66 072008

<http://www.mauiproperty4you.com/WailukuCountryEstates/Files/555e6421e2736.pdf>

CC&R's - Pages 67-End 072008

<http://www.mauiproperty4you.com/WailukuCountryEstates/Files/555e64498443d.pdf>

Farm Dwelling Agreement

<http://www.mauiproperty4you.com/WailukuCountryEstates/Files/555e64d361c54.pdf>

3.0 Design Review and Inspection Procedures

No structure or thing shall be placed, erected, or installed upon any lot, and no improvements or other work (including staking, clearing, excavation, grading and other site work, exterior alterations of existing improvements, or planting or removal of landscaping) (hereinafter called “Work”), shall take place except in compliance with the WCE Covenants and these Guidelines.

The owner of a lot and all of the owner's professionals, contractors and subcontractors shall comply with these Guidelines and shall obtain DRC approval prior to any Work.

It is recommended that the owner obtain DRC approval prior to obtaining County or State permits. The fact that an owner has scheduled work, arranged financing, entered into a contract for materials or labor, received approval from the County agencies or claims he/she will suffer alleged hardship shall not be a basis for approval. Projects, once commenced, must be completed in accordance with the approved plans. Financial inability to conclude the project will not excuse an owner from his/her commitment to complete the project.

3.1 Aesthetic Reasons

All denials of a request, submission or application by the Design Review Committee that are based solely on aesthetic reasons, shall require a vote of the majority of the DRC.

3.2 Management

The DRC may use a checklist of milestones to track the progress of each project if the project requires more than one meeting to fully consider the project.

All requests, drawings and other communications shall be submitted to the Association's managing agent, which will provide the information to the DRC.

3.3 Fees

Each lot owner shall pay to the DRC a non-refundable fee of \$1,000.

3.3.1 The initial fee is due when the Preliminary Drawings (see 3.6) are submitted to the DRC for review. This fee is a one-time fee for each lot regardless of how many projects are proposed over time.

3.3.2 In addition to the non-refundable fee, each lot owner shall pay to the DRC a \$5,000 security deposit for Work requiring a County permit before approval of the Working Drawings (see 3.9). This deposit will be returned to the owner after successful completion of the Final Inspection (see 3.11) less any money that was used by the DRC for professional consultations.

3.3.3 The DRC may hire a professional Architect, Landscape Architect, Engineer, and/or any other consultant deemed necessary or advisable to help the DRC properly review and examine the plans and specifications, and to conduct inspections. The costs of the professionals and consultants, and any other costs and expenses incurred by the DRC, will be paid for by the security deposit. Should the security deposit be insufficient to pay for such consultants, the owner shall be required to pay additional deposit(s) to the DRC as determined by the DRC. All fees incurred by the DRC shall be paid by the owner. Any monies of the deposit not expended shall be refunded to the owner upon final completion of the project.

3.4 Pre-Design Conference

Before preparing Preliminary Drawings, the owner and/or his architect may schedule a meeting with the DRC to review the WCA Covenants and these Guidelines as they apply to the owner's lot. If the architect is authorized to represent the owner, the owner must notify the DRC in writing of such authorization.

3.5 Variances

In the event specific designs, plans, or specifications cannot or do not comply with these Guidelines, the owner may apply to the DRC for a variance. Each application will be considered on a case by-case basis on its architectural merit and contribution to or conflict with the overall purpose of these Guidelines. The DRC may, upon finding good cause and no other practical alternative being available, grant and approve a variance from these Guidelines. A variance granted in any one case must not to be considered as precedent or grounds requiring approval or subsequent similar requests in any other cases.

The DRC may authorize variances, but no variance shall be effective unless in writing, be contrary to the WCE Covenants or stop the DRC from denying a variance in other circumstances.

3.6 Preliminary Drawings

One set of the following Preliminary Drawings, prepared by or under the direct supervision of a Hawaii licensed Architect and/or Engineer(s), must be submitted to the DRC for approval. All submitted Plans must be the same as submitted to the County of Maui Building Department as appropriate plus any additional drawings that the DRC may request. Drawings must not be larger than "D" size paper with a scale appropriate to show the contents clearly. Not all projects need all of the following drawings. The owner should consult with the DRC for exactly what drawings and schedules will be required.

3.6.1 Site Plan showing existing and proposed lot topography, buildings(s), garage(s), driveway(s) retaining and/or garden walls, fences, utility lines, landscaped areas, pools, drainage system and other improvements.

3.6.2 Floor Plan for each structure.

3.6.3 Elevation Drawings showing each exposed side of each proposed structure indicating materials and colors for roofs, house walls, garden walls, and fences.

3.6.4 Building Envelope for each structure requiring grading that shows the maximum height plus the graded and pre-graded earth elevations.

3.6.5 Section Drawings showing outdoor landscaped areas, garden walls and fences, and any exterior appurtenant structures.

3.6.6 Farm Plan showing the plant materials, irrigation system, planting details, and indicating height of mature trees.

3.6.7 Color Schedules prepared in accordance with Section 5.7.

3.6.8 Outline Specifications indicating the specifications for construction of all site improvements and the Residence.

3.6.9 Any other plans or drawings or models that may be requested by the DRC.

3.7 Approval of Preliminary Drawings

The owner may not commence Work until the DRC approves the Preliminary Drawings. Approval may be dependent upon certain special conditions which are found by the DRC to be appropriate in each particular case. The DRC will respond to an owner or architect within thirty (30) days of submission of the Preliminary Drawings. The DRC may request additional information and/or documentation.

If the DRC does not approve the plans, the owner will be notified, and the plans must be revised for approval before Work may commence.

3.8 Working Drawings

The owner shall submit to the DRC for approval, one set of completed Working Drawings and Specifications. The Working Drawings must develop from the approved Preliminary Drawings, with the changes, corrections, alterations, and/or revisions as required by the DRC's conditions in granting approval of the Preliminary Drawings. No further changes from the Preliminary Drawings will be permitted in preparing the Working Drawings unless the DRC is notified in writing of the specific changes, and the DRC approves of such changes. The Working Drawings must include all of the drawings requested as Preliminary Drawings and any other plans, drawings, or scale model requested by the DRC. All Working Drawings, with the exception of the Landscape Plan, must be certified by a Hawaii licensed Architect and/or Engineer(s) that they were prepared by them or under their direct supervision. An electronic PDF version of all plans and specifications submitted is required.

3.9 Review and Approval of Working Drawings

Prior to commencement of the Work, the DRC must review and approve the submitted Working Drawings. The DRC will respond to an owner or architect within thirty (30) days of submission of the Working Drawings. The DRC may request additional information and /or documentation.

3.10 Commencement and Completion of Construction

Upon receipt of approval from the DRC, the owner shall commence construction within one year after the date of approval, unless a variance is granted. If construction does not commence within one year, such approval is deemed withdrawn and the owner is required to reapply for approval before commencing any Work.

The owner shall promptly diligently proceed with the commencement and completion of the Work (all construction, reconstruction, refinishing, alterations, and excavations pursuant to the approved plans). The owner shall complete the Work and the DRC shall conduct it's final inspection to its satisfaction within 18 months from the date of the DRC approval letter of the Working Drawings. If the owner fails to comply with this section, any approval given is deemed revoked. An extension of the time limit may be given by the DRC if requested by the owner in writing prior to the expiration of the time period, and upon a finding by the DRC that there has been no change in circumstances.

If the owner fails to comply with this Section, the DRC must notify the Association of such failure, and the Association, at its option, may either complete the exterior in accordance with the approved plans or remove the improvement, and the owner must reimburse the Association for all expenses incurred.

3.11 Inspections

The owner of a lot and the owner's architect and/or contractor are required to have the followings inspections and approvals:

3.11.1 Substantial Completion Inspection: Upon substantial completion of the exterior of each building or structure, the owner, contractor or architect must notify the DRC. The DRC may conduct an inspection to insure that each building and structure is in conformance with the approved Working Drawings.

3.11.2 Final Inspection: The owner, contractor or architect must notify the DRC after completion of all Work, including but not limited to, buildings and structures, the installation of all landscaping, irrigation system, drainage system, completion of all site improvements, and clearance of rubbish, debris, and excess materials to insure that the completed improvements are in accordance with the approved Working Drawings. The Final Inspection must be conducted by the DRC to ensure compliance with all previous final approvals. Final Inspection must be completed within 18 months of issuance of the DRC letter approving the Working Drawings, unless otherwise extended by the DRC.

3.12 Owner Obligation to Comply with Law and Obtain Permits

Any approval by the DRC, Board or Association does not constitute or be a substitute for any approval or permit required by County, State, or Federal law. Each owner is responsible for complying with all applicable laws, regulations, codes, and ordinances, and acquiring all necessary approvals and permits prior to construction.

Consent or approval of the DRC to any plans and specifications does not mean, or be deemed to constitute a representation by the DRC that such plans and specifications satisfy or meet any engineering or building safety requirements or are free from defective design or materials.

Consent or approval by the DRC or Board of the Association shall not mean, nor be deemed to constitute, a representation that such plans and specifications satisfy or meet any engineering or building safety requirements, are free from defective design or materials, or are in compliance with statutes, rules, and regulations of any governmental authority.

3.13 Construction without Approval

Any owner who performs Work without first obtaining approval shall, upon notification by the Association: (a) immediately cease and desist from any and all further work, and (b) within 30 days of the notice, return the lot or improvement to its condition prior to the commencement of the Work.

Noncompliance with the WCE Covenants and/or these Guidelines will be subject to fines issued by the Association, attorneys' fees and costs, and other legal action as the Association deems necessary.

4.0 Site Development and Landscape Standards

Each lot consists of setbacks and various site development control areas. As described below, the areas designated for each lot include the Buildable Area that is defined by the Setbacks (front, side and rear), Landscape Area and Agricultural Area. When portions of gulches are included within a lot and it is desirable to maintain the natural character of the gulch, a Natural Area has been designated to control improvements within this area. The landscaping and buildings within each lot should provide a uniform and cohesive treatment throughout the Project.

The improvement design for each lot should blend with the existing terrain of the surrounding area. The Wailuku Country Estates, as a whole, has been designed to utilize the natural terrain and is landscaped sparingly to create an open appearance that is dominated by spectacular views of Central Maui, the West Maui mountains and the ocean. The improvement design within each lot should provide a natural transition from the surrounding area to the Residence; blending the Residence into the terrain and backdrop of the hillside.

4.1 Buildable Area

The Buildable Area is the portion of each lot defined by setbacks and is the area within which the Residence and all other structures must be built. No structures, except for walls and fences, are allowed outside the Buildable Area. Roof or trellis overhangs may extend no more than 3 feet outside of the designated Buildable Area. The Buildable Area is established for each lot. The Owner shall review the designated Buildable Area of his lot, and if necessary consult with the DRC to clarify its location.

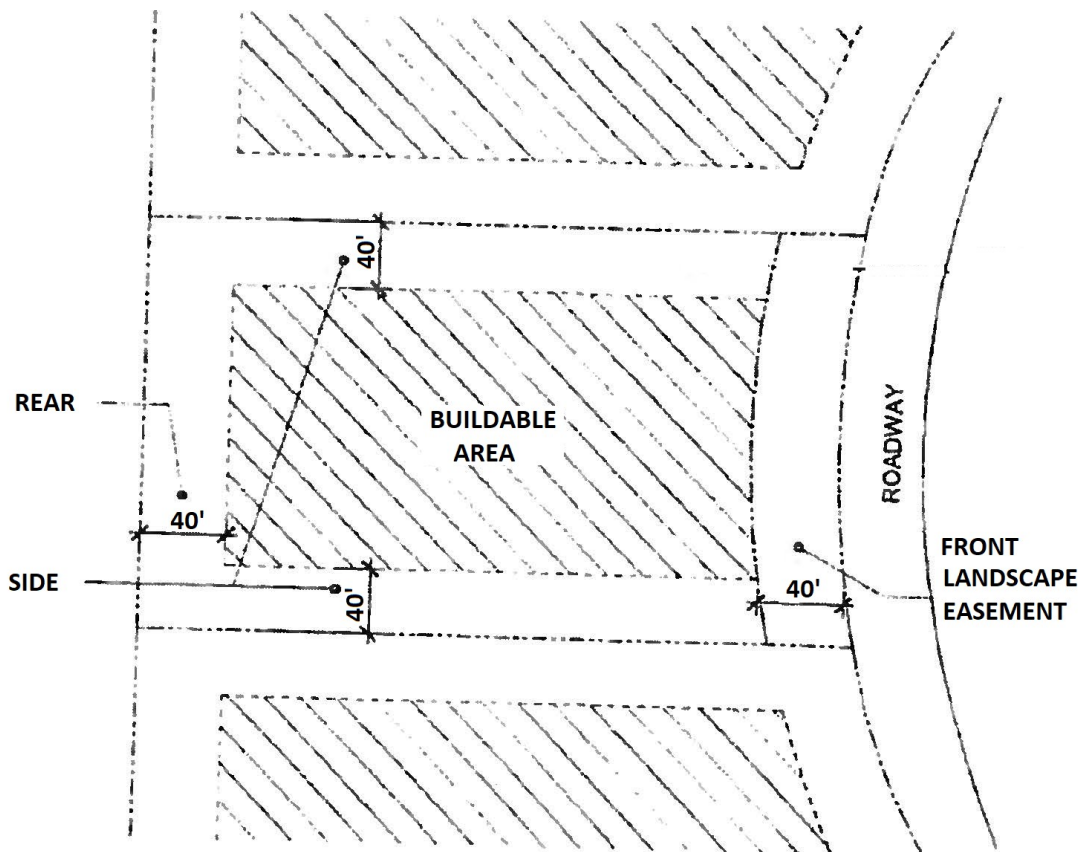


FIGURE 4.1 BUILDABLE AREA

4.2 Setbacks

The "front" of a lot is defined as that side of the lot facing the road on which the driveway is located. Corner lots typically have two "front" sides.

4.2.1 Front setback is 40 feet from the lot's property line and includes the Landscape Area and Agricultural Area.

4.2.2 If the lot has a drainage swale, the owner is NOT allowed to:

- 1) Alter any grade within the swale area.
- 2) Landscape in the drainage swale
- 3) Alter the flow of water.

4.2.3 Side and rear setbacks are 40 feet.

4.2.4 For lots that are adjacent to an existing natural drainage way and include a designated floodway easement, the setback is the limit of the floodway easement or 40 feet, whichever is greater.

4.2.5 An exception to the setback are lots that are on the perimeter of the subdivision. The side of a lot which is also the subdivision boundary will have that setback subject to County and geographical considerations with a minimum setback of 15 feet.

4.3 Landscape Area

The landscape area is the entire front portion of the lot that fronts a roadway. The Landscape Area is to be improved and maintained by the owner as approved by the DRC to a minimum depth of 40 feet. If the lot is fronted by a drainage swale the owner must not landscape in the swale area. However the width of the swale will be considered part of the 40 foot setback and not reduce the buildable area. All lot owners must keep vegetation trimmed so as not to impact the common area, sprinklers, and irrigation lines.

4.3.1 Landscape improvements should reflect the rural character and quality of Wailuku Country Estates. The tree-lined roadways and densely vegetated gulches that traverse WCE and the broad open vistas create the overall landscape framework.

4.3.2 Use a limited palette of plant materials to establish the overall landscape theme for the lot and reinforce the landscape character of the development within a landscape transition area from the lot boundary to the Residence. Use informal spacing and grouping of trees to create a natural setting for the Residence. Use landscaping to blend the Residence into the terrain. Where retaining walls are used, cascading vines and shrubs may be used to soften these structural elements.

4.3.4 Except for existing trees in the front setback, all trees must be limited to a height of 45 feet.

4.3.5 A Waterline Protection Setback exists for all lot fronts extending three feet on each side of existing common area water lines for walls and fences, and six feet for woody bushes and trees.

4.4 Agricultural Area

The Agricultural Area is all the available lot not being used as residence minus a 40 foot setback along any road which includes the common areas and excluding any further setback required by the County of Maui. The Agricultural Area may be used for growing crops so long as crops and associated vegetation do not grow across the property lines or cause water runoff problems described elsewhere in this document.

4.4.1 All lot owners must keep vegetation trimmed so as not to impact the common area, sprinklers, and irrigation lines.

4.5 Natural Area

The Natural Area encompasses the gulch areas within lots where it is desirable to maintain the natural character of the gulch. The gulches are generally characterized by lands with slopes of 20 percent or greater, inaccessible without major land form adjustments, and densely vegetated. Any proposed modifications to the existing vegetation or Improvements within this Area are subject to the review of the DRC.

4.6 Farm Plan

A Farm Plan must be prepared and submitted to the DRC which includes a planting plan indicating the final mature height of trees and shrubs and an irrigation plan that provides for the connection to the Irrigation Water System. If a Farm Plan is submitted to the County, the same plan must be submitted to the DRC.

4.7 Site Drainage

Site drainage and related grading must be done with minimum disruption to the lot. Surface water must not drain into adjoining lots, except as established by natural or existing drainage patterns, or cause a condition that could lead to soil erosion. To provide for concentrated flows and to protect the surrounding areas from erosive drainage conditions, some lots are provided with a subsurface drain line lateral from the WCE drainage system. Where provided, the lot's drainage system must be connected to this drainage system. Natural drainage ways and designated Drainage Easements must not be obstructed.

4.8 Driveways

The location of access driveways must be sited to avoid the street trees, drainage ways, water laterals, and utility service lines. To provide a cohesive landscape treatment along the roadway, designs for the driveway, related entry walls, and gates must be reviewed by the DRC. The driveway must extend into the Buildable Area. A driveway may be allowed within the side yard setback, but must be a minimum of 30 feet from any adjoining lot. Existing rock walls must not be modified unless approved by the DRC. Driveway connections to the roads must follow the contours of road shoulders and swales and must otherwise comply with the uniform design established by the DRC. All driveways will be constructed using only those paving materials defined in Section 5.7.4.

4.8.1 A variance for the 30 foot driveway setback will be allowed if the driveway is within the narrow portion of a "flag lot" or if approval is obtained in writing from the neighboring lot owner. Such approval must be submitted to the DRC along with the detail plans.

4.8.2 Driveways must be designed such that rain water does NOT flow onto the street from the driveway.

4.8.3 One driveway is allowed per lot except: (a) If the lot is wider along the roadway than deep then two driveways are allowed. (b) A corner lot may have one driveway on each side where a road is adjacent.

4.9 Maximum Total Structure Size

The maximum size of ALL structures combined on any lot must not exceed 10% of the total lot size. This includes the sum of all residences, all farm structures, pool areas, recreational areas, etc.

4.10 Recreational Areas

All recreational facilities including basketball courts, backstops, tennis courts, volleyball nets, etc., are only be allowed within the Buildable Area. All such facilities must be sited and landscaped to be screened, to the greatest extent possible, from neighboring views. One tennis court per lot is allowed. The color of the court surface must blend with the landscape (greens and browns) and no tennis court lighting will be allowed.

4.11 Signage

House numbers identifying the street address must be on the property and visible from the road. Street address and residence identification signs or plates are required on the mailbox. Street address and Residence identification sign for each lot must conform to the uniform design established by the DRC and must be installed by each owner. No additional signage detached from or on the Residence will be permitted, except as provided for in the WCA Covenants and approved by the DRC.

4.12 Dwellings

No owner may construct more than one dwelling on a lot, except that one additional ancillary dwelling of 1,000 square feet may be constructed in accordance with the Zoning laws.

Dwelling is defined in the WCE Covenants as a “farm dwelling” as defined by the Zoning Laws, and is a single-family dwelling located on and used in conjunction with a farm or where agricultural activity provides income to the family occupying the dwelling.

4.12.1 To the extent possible the first and second farm dwellings should be similar in colors and design for a cohesive look, including roof pitches and styles.

4.12.2 The total area of all structures, including temporary structures, on a lot must not exceed 10% of the total lot size.

4.12.3 Each dwelling is limited to one family unit and may not be subdivided into separate apartments.

4.12.4 Each dwelling must have an adjacent garage capable of storing two cars that shall be not less than 400 square feet. The garage shall not be used as living space.

4.12.5 A dwelling may have an attached agricultural structure so long as there is no interior connection. See 4.13

4.12.6 An agricultural structure may be converted to a dwelling only if there exists no more than one other dwelling on the lot, and only if the conversion complies with ALL other requirements for a dwelling, and the living space within the conversion is no

more than one third of the structure floor space. Any such conversion is then considered a dwelling and counts towards the maximum of two dwellings per lot. If there is an existing dwelling, the converted structure should, to the extent possible, match the existing dwelling exterior color, design similarity, and eaves.

4.13 Agricultural Structures

Agricultural structures are permitted subject to the prior approval of the DRC, which are non-dwelling structures including greenhouses, sheds, animal buildings or pens, dog houses, goat sheds, chicken coops, containers, etc. All structures must use materials, details, colors, and scale that are compatible to the architectural theme and quality of the existing improvements.

4.13.1 No agricultural structure may be used as living space, residence, or dwelling.

4.13.2 All agricultural structures shall be within the Buildable Area unless a variance is granted from the DRC and with written consent of the affected neighboring lot owners.

4.13.3 A lot may contain the following agricultural structures:

(a) One permanent structure not to exceed 1,500 square feet provided that if the structure is a greenhouse (covered grow structure) then it may not exceed 4,000 square feet.

(b) One permanent structure not to exceed 240 square feet.

(c) Temporary structures that are removable within 24 hours not to exceed 100 square feet.

(d) One Matson or similar type shipping storage container not more than 20 feet long nor higher than 8 feet, and shielded from view from Common Areas and neighboring lots.

4.14 Farm Office

An Agricultural Structure may be, in part or on whole, used as a farm office, which is an office for conducting farm business. Only one Farm Office is allowed per lot. The Farm Office shall have no direct entry to any dwelling. The Farm Office shall not exceed 200 square feet. It may include electrical, water, and sewer connections and must be approved by the DRC.

5.0 Architectural and Building Standards

All Work within Wailuku Country Estates must comply with the following architectural and minimum building standards. The standards have been designed to keep buildings at grade and encourage natural ventilation, wide covered lanais, shaded window openings and court yards, and use of exterior materials which will minimize glare.

5.1 Design Philosophy and Character

The design philosophy for the construction within Wailuku Country Estates is to create a cohesive, visually unified community with a sense of identity and relationship to Wailuku. Minimal disturbance to the natural hillside is desired. Agricultural uses are desired. The general character or style of architecture should be that of cascading hipped roof forms with strong overhanging masses and composed of basic earth tone colors which harmonize and blend into the natural setting of Wailuku Country Estates. Residences which combine numerous exterior materials or various architectural styles (example; Colonial combined with Victorian) will not be permitted. Consistency of roof form, restraint in use of materials and color will blend the residences into the existing terrain.

5.2 Building Heights

The maximum height of any structure shall not exceed 30 feet above the existing grade or original grade of the lot, whichever is lower. In order to preserve the sloping hillside of the Project, all two story structures that would exceed this height limit must be terraced and stepped with the natural terrain so as to stay within the height limit at all points of the structure.

5.2.1 No chimney, vent, or other approved apparatus may extend more than 4 feet above the adjacent roof unless specifically required by Code. No vents other than plumbing or kitchen vents will be allowed to penetrate the roof. Plumbing vents must be interconnected below the roof to minimize roof penetrations.

5.3 Grading

The grading of the building pads must be confined to the minimum amount necessary to provide for the architectural concepts. Step pads or building pads which conform to the topography of the lot are required. Grading are subject to review for conformance to the natural topography of the lot.

5.3.1 Natural conditions of drainage should be preserved and any changes to natural contours must not cause damage to adjacent and nearby properties. Where required, it will be necessary to use contoured swales planted with natural watercourse vegetation or lined with rock riprap or approved material. Underground drain pipes and gutters should be routed to energy dissipaters to reduce the possible effect of erosion. The lot design should not obstruct the flow of surface water drainage across the lot. Diversion of drainage to adjoining lots will not be permitted.

5.3.2 Grading work must not adversely affect adjacent lots or Common Areas. For example, grading work on one lot must not create an unstable condition on the adjacent lot or Common Areas. The drainage system plans must indicate that the proposed improvements will not cause adverse drainage conditions. Owners are responsible for the design of their drainage systems as well as the correction of any violations. Grading must use appropriate erosion controls such as silt fencing, and planting of appropriate vegetation.

5.3.3 No more than $\frac{3}{4}$ acre may be graded at a time without a county Grading Permit and/or Grubbing permit as required by the county. Such permits must be submitted to the DRC before work begins.

5.4 Retaining Walls

All retaining walls must be reviewed and approved by the DRC. Whenever excavation or fill creates a condition requiring a retaining wall, the owner is be responsible for the design, installation and maintenance of the structure.

5.4.2 Retaining walls placed on embankments of cut or fill more than 6 feet in height must be designed by an Engineer or Architect. Retaining walls over 6 feet in height should be terraced at vertical intervals no greater than 6 feet. Terraces must be at least 3 feet wide and landscaped.

5.4.2 Walls must not exceed four feet within the County of Maui setbacks for an agricultural district as measured from the finished or existing grade whichever is lower, to the top of the wall. The County of Maui setbacks are 25' from the front and 15' from the side and rear setback. If a wall or fence is over 4' in height, it must let 50% light through. This requirement is in addition to association setbacks.

5.5 Roofs

Since roofs are a dominant form on Wailuku Country Estates landscape, all roofs will be limited to the following:

5.5.1 Form and Slope: Roofs must be gable or hip or combination thereof. Flat roofs will not be permitted except on small agricultural structures, and only if approved by the DRC. All garage structures and accessory buildings must have a roof form complementary to the Residence. Gable and hip roofs must have a minimum slope of 4 in 12 and a maximum slope of 8 in 12.

5.5.2 Color of all roofing materials throughout Wailuku Country Estates must be muted brown, blue, green, or gray. Contrasting colors such as chromatic yellow, blue and red will not be allowed.

5.5.3 Materials: All roofing materials must be clay, metal (not corrugated), slate, concrete tiles or comparable asphalt Presidential T/S (3/4") series. All material must be non-reflecting and non-glare. The DRC may allow wood shingles, if requested as a variance. No other roofing material will be allowed. Combinations of roofing materials on each lot will not be allowed as between the main farm and second farm dwelling. Agricultural structures' roofing materials may differ from the main and second farm dwelling roofing materials approved herein provided it is submitted to the DRC and approved in writing prior to installation.

5.5.4 Eaves shall be a minimum 3 feet except on agricultural structures.

5.5.5 If more than one dwelling, all roofs must be similar.

5.6 Building Colors

In order to achieve the desired consistency throughout Wailuku Country Estates, the palette range is from varying shades of beige to light gray-green. Other basic colors may be considered providing they are subdued and complement the natural setting. Minor accents of deeper or brighter tones (window trim, etc.) will be permitted. However large areas of white and other bright, contrasting, or glaring colors will not be permitted.

5.7 Exterior Materials and Surfaces

The material palette must be restricted to a limited number of materials as follows. All other materials must be specifically approved by the DRC. The exterior character of the building should be developed by the consistent use of as few different materials as practical.

5.7.1 All lumber or other material to be used in any construction must be new or in “like new” condition. All framing lumber must be pressure treated against termite damage. This section will not preclude use of green building products that have been designed to be used in green building construction.

5.7.2 Authorized materials:

- * Brick in earth tones used as accent walls, (red brick will not be allowed)
- * Textured and/or patterned exposed concrete block having an integral color, with 8-inch high coursing maximum
- * Textured concrete, either brush hammered or sandblasted, with or without integral color
- * Textured plaster with painted or integral color
- * Masonite or composite board with battens
- * Wood (lumber stock)
- * Stone

5.7.3 The following materials are prohibited:

- * Mica plaster
- * Exposed concrete block
- * Corrugated metal
- * Standard precision block
- * Gloss-glazed ceramic tile
- * Plastic or vinyl materials
- * Split-block

5.7.4 Paving Materials: The only permitted paving materials without DRC approval are: Concrete and asphalt. Any other material must be specifically approved by the DRC.

5.8 Windows

Window openings should be designed as part of the sculptural character of the exterior wall. Window openings merely cut out of the exterior wall, and not fully integrated into exterior design, will not be permitted. Wood window frames are encouraged. Colored anodized aluminum or other factory lamina frames may be used. Non-anodized or clear anodized frames will not be allowed. Other frame materials must be specifically approved by the DRC.

5.9 Glass

All glass and glazing materials must be used in a manner to minimize reflection or glare.

5.10 Skylights

Skylights must be integrated into the roof form. Skylights, when approved, must be clear, bronze or smoke color plastic or glass with the metal frame colored to match the surrounding roofing color. White plastic and clear aluminum will not be permitted.

5.11 Garages

Each Residence (Dwelling) must include an enclosed 2-car garage with garage doors and located within the Buildable Area. Garages must have a minimum inside dimension of 20 feet by 20 feet. Storage areas and workshops are allowed in addition to the minimum 400 square foot garage requirements.

5.11.1 Porte cocheres in addition to the 2-car garage minimum will be permitted. Permanent parking of vehicles within a porte cochere is not permitted.

5.11.2 Carports (open, but covered parking area) may be approved by the DRC if shielded from view but may not be substituted for the enclosed garage.

5.12 Exterior Lighting

Exterior lighting must be subdued, shielded, and directed downward.

5.13 Solar Energy

Solar Arrays must be approved by the Design Review Committee and reasonable restrictions may be added to shield solar arrays from street or neighboring view.

5.14 Fences

Farm or Agricultural fencing of wood or Kiawe posts and welded wire are allowed on all lot sides. Line spacing must not exceed 10 feet. Round posts must be the minimum diameter of three inches and a maximum of 10 inches. Square posts must be a minimum of 4 inches square and a maximum of 6 inches square. The minimum height of posts must be 3 feet, and a maximum of 5 feet. The minimum size of wire must be 12.5 gauge. If mesh is used, it must be a minimum size of 2 x 3 inches.

5.14.1 All fencing must be approved by the DRC, and applications for approval must contain a sample of the post and fencing material.

5.14.2 The following materials are prohibited:

- a) Chain-link except for one kennel per lot no smaller than 50 square feet but no larger than 10 x 10 feet in the buildable area.
- b) Unplastered standard precision block
- c) Plywood

5.15 Service Yards and Trash Enclosure

Enclosed service areas must be provided on each lot for trash receptacles, pool equipment, and any other maintenance or service facilities and equipment. All such facilities must be screened and not visible from the Common Areas and neighboring lots. All such enclosures must be within the Buildable Area unless.

5.15.1 Trash enclosures must be within the Buildable Area except on lots with long driveways if approved by the DRC.

5.16 Air Conditioning, Ventilating, and Mechanical Systems

Air conditioning, ventilation, or other mechanical systems that generate noise must be enclosed in a sound limiting enclosure to limit noise intensity level to 40 decibels, A Scale, at the property line or to State Department of Health requirements, whichever is more restrictive. No window or roof top units are allowed. Such equipment must be screened from view.

5.17 Utility Lines and Connections

Connection points for water (potable and irrigation), electricity, telephone, and cable will be provided. Each lot must utilize these services. All pipes, conduits, and wiring must be placed underground from the point of connection to, and throughout the residence and Buildable Area. No overhead service will be permitted.

5.18 Swimming Pools, Ponds

Swimming pools and ponds are only allowed within the Buildable Area. In general, pools should be designed as a part of the Residence with walls or courtyards. All pool-related pump and filter equipment must be concealed in a sound-treated enclosure to minimize noise nuisance. All pools must be constructed and kept in operable condition in accordance with County of Maui and State of Hawaii Department of Health rules and regulations.

5.18.1 Upon abandonment, or should the pool or pond become a nuisance or dangerous as determined by the Association, the owner will demolish same and, insofar as is practicable, restore the land to a condition approximating that which existed prior to the construction of the pool or pond. The reclaimed land will be properly landscaped and maintained. The method of demolishing the pool or pond are subject to approval by the DRC.

5.19 Mailbox Enclosures

All lots must provide a mailbox enclosure adjacent to the driveway within the property boundaries unless an approved pedestal with the street address is provided in lieu of the mailbox. The mailbox (or address pedestal) must be approved by the DRC.

5.20 Miscellaneous

5.20.1 No antennas over 4 feet in height, of any type, may be roof mounted or permitted if visible from any other lot or from the Common Areas unless approved by the DRC. Satellite dishes shall be shielded from view.

5.20.2 No windmills or wind generators or turbines may be installed without DRC approval.

5.20.3 Each lot shall have no more than four clotheslines. Clotheslines must not be visible from the road. Clotheslines must not exceed more than 25 feet in length.

5.20.4 Propane gas tanks shall either be shielded or screened from view by walls, landscape or structures or be installed or constructed underground in compliance with the County of Maui and the State of Hawaii laws and Regulations.

5.20.5 Tanks used for irrigation or rain water must be colored to blend in with the area and screened from view to the extent possible.

5.20.6 Electrical monuments must be finished with stucco and painted or stained a color that matches the residence(s) or of a design that matches the residence(s).

5.20.7 Each owner of a lot must at all times keep and maintain his/her lot in an attractive manner free of tall grass, weeds, trash, debris and exposed earth. Unsightly or objectionable items such as vehicle(s), appliances and other materials are to be kept out of sight. All residences, walls, fences, etc. must be maintained in a strictly clean condition. Broken, rotten and rusted materials are to be repaired or replaced.

6.0 Enforcement

These Guidelines are enforced by the Association, and/or any owner of a lot in Wailuku Country Estates as provided in the CC&R Covenants. These regulations must be made a part of the construction contract document specifications for each residence or other improvements on a lot and all contractors, owners, and other persons must be bound by these regulations. Any violation by a contractor is deemed to be a violation of the owner of the lot.

6.1 Violations of the Design Review Guidelines

Any violation of these guidelines, without approved variance, will be referred to the Association for action. The Association may fine the owner in accordance with a fine schedule in force at the time of the violation, or other appropriate action as deemed by the Association.

Approved: Ann Emmsley, President

DocuSigned by:
Ann Emmsley
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Date: July 22, 2020

Kent Carlson, Secretary

DocuSigned by:
Kent R. Carlson
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Date: July 22, 2020