

*Poipu Kai Association*  
*Homeowner's Design Committee*  
1775 Poipu Road, Koloa, HI 96756 (808) 742-2229

**CONSTRUCTION / IMPROVEMENT APPLICATION**

OWNER'S NAME: \_\_\_\_\_ LOT: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ BUS. PHONE: \_\_\_\_\_ CELL: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

CONTRACTOR(name/address/phone): \_\_\_\_\_

ARCHITECT(name/address/phone): \_\_\_\_\_

---

Owner of the above property requests approval for the following modification(s) / improvement(s):

- Door(s)
- Driveway
- Patio Cover
- Drainage: \_\_\_\_\_ front \_\_\_\_\_ rear \_\_\_\_\_ side \_\_\_\_\_ slope control areas
- Other: \_\_\_\_\_
- Fence / Wall
- Garage Door(s)
- Re-Roofing
- Landscape
- Painting
- Window(s)
- Patio Hardscape
- Pool / Spa
- Space Addition
- Remodel
- Skylight(s)
- New House

---

**PREPRELIMINARY PLAN APPLICATION**

Optional - Provides for Review, Comment, and Advice Only. No Approval or Denial of Application.

Homeowners wishing to obtain an advisory opinion from the Homeowner's Design Committee prior to the preparation of final working drawings, may submit an application for preliminary review along with preliminary plans and renderings, clearly labeled as such, for Committee consideration. Such application is optional and is not a submission for approval or disapproval of plans, and does not commence the 45 day period during which the Committee is required to approve or disapprove a formal application for approval of Final Plans.

Four (4) copies of preliminary plans shall be submitted in sufficient detail to provide the Committee with a clear visual picture and understanding of the proposed project. One copy of such plans will be returned to the Owner with advisory comments by the Committee, which may serve as a guide in the preparation of a formal application to the Committee for final approval. The review of such preliminary plans by the Committee is advisory only and any comments, written or oral, made by the Committee shall not be construed as its approval or disapproval of any plans and specifications, or specific items therein, and/or construction.

Any lack of Committee comment or failure to note specific items or deficiencies, design details or features on such preliminary plans, specifications, proposed construction, methods or materials which might be in conflict with pertinent sections of the CC&Rs, the Association Rules, or community standards of architectural and aesthetic suitability as interpreted and applied by the Committee shall not be construed to imply the Committee approval thereof.

**FINAL PLAN APPLICATION**

Required - Provides for Approval or Disapproval of Application.

**HODC Requirements and Conditions:**

1. **SCOPE OF APPLICATION:** The information provided in this Application, and the four (4) sets of plans, specifications and attachments Owner is required to submit with it must be complete and accurate. Any additions, modifications or improvements, other than those shown in the accompanying plans and specifications, are not included in this Application. Any improvements, additions, or modifications to Owner's property not included in this Application, and not otherwise approved by the Homeowner's Design Committee (e.g., house, structures, landscape, hardscape, etc.) are unauthorized, and the Association may require their removal or other corrective action at Owner's sole expense.

Prior to and during construction or use, all applicable State and County laws, codes, ordinances, rules and regulations shall be complied with. Additionally, the Poipu Kai Declaration of Covenants and Restrictions shall be fully observed and complied with. Owners should refer to Article III – Section 3.01, 3.02, 3.03, 3.04, 3.05 and Article IV of the Poipu Kai Declaration of Covenants and Restrictions for more specific information on Land Use Classifications, Land Use Restrictions and Design Committee Rules and Regulations governing all property at Poipu Kai.

2. **REVIEW PERIOD:** The Homeowner's Design Committee has forty-five (45) days to either approve or disapprove a fully completed Application. In some cases an extension of the forty-five (45) day period to ninety (90) days may be required. If this Application is disapproved, Owner has the right to appeal the Homeowner's Design Committee's decision to the PKA Board of Directors by submitting a written notice of appeal to the Board within sixty (60) days after the date of the written notice to Owner of the disapproval. Appeals submitted after the sixty (60) day deadline will not be heard by the Board of Directors.
3. **FEES AND DEPOSITS:** An Association processing fee of \$100 for new construction or major remodeling or \$25 for pool, spa, patio cover, wall, fence, lanai, driveway paving, re-roofing, exterior repainting, etc., is due at the time of submittal for final approval.

Developers of single-family homes or multi family developments must provide a refundable deposit of 0.5% of the value of construction or \$2,500.00 (whichever is less). The Design Committee shall refund this deposit to the owner/developer upon final inspection of the project. If during the course of construction the owner/developer fails to comply with the conditions of the Design Committee permit and/or the Poipu Kai Conditions, Covenants & Restrictions, the Design Committee may utilize the deposit to correct any violations if the owner/developer does not correct the violations within 10 days of receiving written notice of the violation from the Design Committee.

4. **EXTERIOR COLORS:** Owners shall provide the HODC with color samples of all exterior surfaces (including roof tile material) for written approval, prior to any such work being done. In the event owners fail to secure prior approval, the HODC reserves the right to require color and/or material changes pursuant to the Declarations of Covenants and Restrictions.
5. **COUNTY PERMITS AND CONFORMITY OF COUNTY APPROVED PLANS:** Owner is responsible for obtaining any and all necessary permits required by the County of Kauai before commencing any construction of improvements / modifications to Owner's property. This includes, but is not limited to, new construction, additions, alterations, structural modifications, electrical, heating, water delivery, plumbing and sewer; new installations or replacement of gas burning or electrical equipment; and any other improvement, such as a fence, garden wall, retaining wall, patio cover, carport, garage, swimming pool, spa, deck, etc.
  - a) By making the proposed improvement / modification, Owner may have to make other modifications to Owner's property or Owner's approved plans, as required by the County of Kauai, to obtain a County permit and final approval by County building inspectors upon completion of the improvements. Neither the Association, nor the Homeowner's Design Committee has any involvement with such County mandated requirements; however, all such County required modifications to the Homeowner's Design Committee's approved plan or Owner's property must be resubmitted to the Homeowner's Design Committee for approval before any construction or other work of improvement commences.
  - b) Owner is responsible to ensure that the actual and final plans and specifications for Owner's Application, as stamped "Approved" by the Homeowner's Design Committee, conform in their entirety to the Application and plans and specifications as approved by the County of Kauai; and, that the commencement of construction without the approval of the Homeowner's Design Committee as to any such variances between the Homeowner's Design Committee's and County's approved plans may result in action by the Homeowner's Design Committee and/or the Association to require the suspension

of any construction that has commenced on the improvements, the imposition of fees and monetary penalties pursuant to the Association's Rules and Regulations, and/or other enforcement action by the Association.

6. **CHANGES TO APPROVED APPLICATION:** If Owner's Application is approved by the Homeowner's Design Committee, and Owner later decides to change / alter this Application as approved, or the County of Kauai requires that Owner change / alter this Application as approved by the Homeowner's Design Committee, Owner must re-submit a new Application, including plans, specifications, and all other required materials, to the Homeowner's Design Committee and seek amended approval before proceeding with the change(s) / alteration(s).

If improvements / modifications are not constructed and completed according to Owner's approved Application and the approved plans / specifications, the Association has the right to require Owner to remove the unauthorized improvement / modification at Owner's sole expense and to reimburse the Association for all legal fees and expenses incurred by the Association to obtain Owner's compliance.

7. **LIABILITY INSURANCE:** Proof of Liability Insurance in an amount no less than \$1,000,000.00 must be provided to the Design Committee prior to the start of construction of any single family home or multi-unit development. Poipu Kai Association is to be named as an additional insured on the liability policy.
8. **COMMENCEMENT AND COMPLETION OF CONSTRUCTION:** Owner has one (1) year from the date of approval to commence construction of the approved project. Otherwise, Owner must re-submit another complete Application for approval before commencing construction or work of improvement. Owner must also complete the project within eighteen (18) months of the approval.

The Owner must notify the Poipu Kai General Manager in writing 10 days prior to beginning grading or construction. This will allow the vacant lot maintenance fees to be canceled and sprinklers to be adjusted.

As part of the Design Committee Approval process the Owner shall submit a construction schedule for the project. Once the construction schedule is established and agreed upon between the Owner and the Design Committee, the following fines shall apply if the construction schedule is not met:

- a) The "agreed upon completion date" shall be determined from the agreed upon construction schedule based on the day the Owner breaks ground on the approved project.
  - b) The Design Committee shall extend the agreed to completion date for any Acts of God encountered during the construction process and for any delays caused by any government agency.
  - c) If the project is finished before or within 30 day of the agreed upon completion date, the Owner shall not be subject to any fines.
  - d) If the project is not finished between 31 days and 60 days of the agreed upon completion date the Owner shall be subject to a fine of \$30.00 per day TIMES the number of units being developed.
  - e) If the project is not finished between 61 days and 90 days of the agreed upon completion date the Owner shall be subject to a fine of \$50.00 per day TIMES the number of units being developed.
  - f) If the project is not completed within 91 days of the agreed upon completion date the Owner shall be subject to a fine of \$100.00 per day TIMES the number of units being developed.
  - g) Minor renovations or alterations (\$25,000.00 or less in value) shall not be subject to this fine schedule.
9. **CONSTRUCTION HOURS:** Construction is permitted only between 8:00 a.m. and 5:00 p.m., Monday through Saturday. No construction is permitted on Sunday other than painting and other quiet activities. Use of heavy equipment (bobcats, graders, loaders, backhoes) is limited to 8:00 a.m. until 5:00 p.m. Monday through Friday.
10. **DRIVEWAY, GARAGE DOOR OPENER, AND LIGHTS:** Driveway approach apron between property line and road pavement shall be concrete and shall conform to County standards. Driveway between garage and apron shall be asphalt, concrete or grasscrete as permitted by the County. Grasscrete is not permitted for Crestview driveways.

PKA CC&Rs require installation of automatic garage door openers. This must be shown on the plans and be implemented. In addition, the installation of a small ground light near the driveway of each house is required for security and safety. The light must be directed downwards and not be diffuse.

To preserve future options, three 4" PVC chases must be installed under any driveway approach at 1' on center and stubbed and capped at least 6" beyond the edge of the driveway approach.

11. **DRAINAGE:** Existing drainage patterns shall be maintained if at all possible. Grading, excavation, and fill are subject to prior review by the Design Committee. All details affecting drainage must be shown on the plans, including existing and proposed grades, drains, etc. Any proposal to change the existing drainage system(s) / pattern(s) or surface grading, or for major construction or remodel, will require Owner to provide plans and specifications prepared by qualified professionals (e.g., Architect, Civil Engineer, etc.), and review by the Homeowner's Design Committee's professional consultant(s) at the Owner's expense if deemed necessary.
12. **CONSTRUCTION SITE CONTROL (PARKING, DUST, DEBRIS):** Because this is an occupied resort community, it is imperative that the construction site be kept in a clean and neat condition. Since construction on a given lot frequently requires parking of vehicles and storage of materials elsewhere, the owner and/or contractor shall notify and coordinate permission for such activity with the Poipu Kai General Manager. Owners shall exercise complete dust control during construction and clean or repair any property damaged by dust as a result of said construction. Additionally, owners shall completely control all solid waste and debris, and remove same. Poipu Kai Waste Removal Facilities are not to be used for disposal of construction debris from the construction or renovation of any home, condominium or apartment within Poipu Kai. If the debris is minor in nature (a pickup truck full or less) arrangements can be made with the General Manager to utilize Poipu Kai facilities for a fee to be determined by the General Manager. The fee for such disposal shall be consistent with Poipu Kai's costs for the disposal. The Design Committee may, at their discretion, require the use of dumpsters at the construction site.
13. **LANDSCAPING/IRRIGATION PLANS:** Within four (4) months of approval or prior to occupancy, whichever shall come first, the owners shall prepare and submit a current plan for landscaping and irrigation of the property. After approval, this plan shall be implemented prior to occupancy. In the event the owners fail to adequately landscape the property, the HODC reserves the right to do so, pursuant to the Declaration of Covenants and Restrictions. The landscaping is a critical element to the approval process and may not be omitted.
14. **SEWER SERVICE AGREEMENT:** The property will be served by the Poipu Kai Water Reclamation Corporation for sewerage. A sewer service agreement is available from the Poipu Kai Association through its General Manager and must be executed and returned prior to sewer connection. Further, the sewers may not in any case be connected prior to completion of the house and certification of said completion by the Homeowners; Design Committee. At the time of completion, the drains in the house must be fully flushed and said activity witnessed by an authorized representative of the Poipu Kai Water Reclamation Corporation prior to connection. If this procedure is not followed, sewer service may not be available. Monthly sewer fees will start upon connection. The Poipu Kai Association reserves the right to delay sewer connection until it is satisfied that the owner has complied with any or all specific conditions of this approval.
- To help protect the wastewater treatment plant, all kitchen sinks must have an electric garbage disposer.
15. **OCCUPANCY:** Copies of the Certifications of Occupancy must be filed with the Poipu Kai General Manager within ten (10) days of their issuance. Also, a complete set of as-built plans must be supplied to the General Manager within 45 days after occupancy.

**OWNER'S ACKNOWLEDGMENTS:** Based on Owner's personal review of the information provided in this Exterior Modification Request and in the accompanying plans and specifications, documents, and other materials, Owner represents that it is complete and accurate, and in accordance with the PKA Association Rules and Homeowner's Design Committee Rules. Further, Owner has read, understands, and agrees to comply with these Rules and the requirements and conditions applicable to this Application. Owner understands and agrees that the Committee's responsibility to consider the adequacy of structural design and material is limited to the suitability of the aesthetic structural aspects of a project or proposal, and does not include the engineering aspects of the homeowner's submittal or the safety or durability of the structural design or material. The adequacy of the engineering aspects and integrity of the interior design and material of a structure or improvement are the sole responsibility of the homeowner and all such matters are to be in compliance with the requirements of the County of Kauai and all other appropriate governmental and non-governmental agencies and parties.

Approval by the Homeowners' Design Committee in no way constitutes an endorsement of any activity, construction or use contrary to law, regulation or the Declaration of Covenants and Restrictions.

The owners and any subsequent owners, agree to be bound by the provision of Design Committee approval and to notify their successors and heirs of the contents and obligations contained within the approval.

Owner further agrees to reimburse the Association for the fees charged by the Association's professional consultant(s) including, but not limited to, architects, landscape architects, licensed civil engineers, licensed geologists and attorneys, deemed necessary by the

Homeowner's Design Committee and/or the Association's Board of Directors to assist and advise them in the review of this Application.

In accepting HODC approval, the owners and all their agents, employees and personal representatives agree, on behalf of themselves, their heirs and successors in interest, to abide by the foregoing conditions and to indemnify and hold harmless the Poipu Kai Association, the Poipu Kai Water Reclamation Corporation and their respective affiliates, successors, heirs, agents, officers, employees and assigns from any damages which may result to the owners or any other person as a result of the approval granted or any prior or subsequent approvals granted by the Design Committee or Homeowners' Design Committee to any other owners.

Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

### *Owner's Submittal Checklist*

	Item	Date Submitted
<input type="checkbox"/>	Signed Application / Acceptance	
<input type="checkbox"/>	Application Processing Fee (due with application)	
<input type="checkbox"/>	Construction Drawings / Plans (due with application)	
<input type="checkbox"/>	Construction Schedule (due with application)	
<input type="checkbox"/>	Exterior Paint Samples / Colors (due with application)	
<input type="checkbox"/>	Roofing Materials Samples / Colors (due with application)	
<input type="checkbox"/>	Construction Deposit (due before construction starts)	
<input type="checkbox"/>	Proof of Insurance (due before construction starts)	
<input type="checkbox"/>	Landscaping / Irrigation Plan (due within 4 months of approval or prior to occupancy)	
<input type="checkbox"/>	Written Notice of Construction / Grading Start (due 10 days before start)	
<input type="checkbox"/>	Sewer Connection Application	
<input type="checkbox"/>	Occupancy Permit (due within 10 days of issuance)	
<input type="checkbox"/>	As-built plans (due within 45 days of occupancy)	

### *Plan Checklist*

#### **FINAL NEW CONSTRUCTION / MAJOR REMODELLING PLANS**

Four (4) sets of final construction plans shall be submitted to the Committee for approval. Construction drawings shall contain the following information where pertinent to the construction proposed:

- Plot plan, drawn to scale, showing lot layout, new dimensions drawn in heavy lines, north arrow, easements, topographical information (such as property boundary lines and pad grades when changed from original lot grades), top and toe of all slopes, building outline, drives, walks, fences (including heights) and other site improvements.
- A plot outline showing location of structures on adjacent properties in relation to common boundary lines and existing and proposed structures on Owner's Lot shall be included.
- Elevation plans with dimensions for exterior elevations showing all doors, windows and roof lines, indicating all materials used on exterior, including planters and fences. Indicate roof pitch and height relative to that of the existing building.

- Building sites shall drain in accordance with the original grading plan. Location of proposed improvement, mechanical equipment including and piping and drainage lines, to show how water, rain and irrigation flows will be accommodated must be shown.
- Floor plans with dimensions identifying the area being remodeled, constructed, added or altered and a sufficient portion of the existing structure to permit orientation.
- Renderings and/or perspective sketch, if necessary to clarify design.
- Samples and/or brochures are required for exterior surfacing materials, including colors.

### **POOLS, SPAS, PATIO COVERS, WALLS, FENCES, DECKS, PAVING, HARDSCAPE, LANDSCAPE PLANS**

Four (4) sets of construction plans, and samples/brochures are required:

- Plot plan, drawn to scale, showing existing building outlines, walls, drives, etc. A plot outline of adjacent property must also be included.
- Location of proposed improvement and drainage lines to show how water, rain and irrigation flows to the street in front or to developer's drains and any mechanical equipment including and piping.
- Elevation plans with dimensions for exterior elevations showing all materials used on exterior, including planters and fences. Fence and wall and all hardscape heights must be shown.

### **RE-ROOF, EXTERIOR PAINT**

Two (2) sets of color chips, painted materials and/or brochures are required. Roof plan, including roof material sample and brochure is required.

### **GARAGE DOOR, EXTERIOR DOORS & WINDOWS**

Two (2) sets of a brochure are required. The color of the garage doors must match the color of trim or the color of the body of the house. New doors and windows must be of the same size and location, or a major remodeling application will be required..

### **RETURN OF SAMPLES**

All roofing samples, picture/color boards or any other large sample items will be stored in the Association office for ten (10) days after your submittal is reviewed by the Committee and is either approved or disapproved. The Association office is open 9 am to 5 pm, Monday thru Friday, during which you may collect your samples. In the event you do not pick up the item, the office will discard them on your behalf.

PLEASE DO NOT WRITE BELOW THIS LINE

***PKA-HODC Action Checklist***

OWNER'S NAME: \_\_\_\_\_ LOT: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

PROJECT DESCRIPTION: \_\_\_\_\_

	<b>Item</b>	<b>Date</b>	<b>Fee</b>
<input type="checkbox"/>	Preliminary Application Received		
<input type="checkbox"/>	Preliminary Committee Response Letter		
<input type="checkbox"/>	Complete Final Application Received		
<input type="checkbox"/>	Scheduled for HODC Review		
<input type="checkbox"/>	HODC Response Letter <input type="checkbox"/> Approved <input type="checkbox"/> Denied		
<input type="checkbox"/>	Construction Deposit Received		
<input type="checkbox"/>	Vacant Lot Fee Removed / Sprinklers Adjusted		
<input type="checkbox"/>	Construction vs. Plan Inspection		
<input type="checkbox"/>	Sewer Connection Approval		
<input type="checkbox"/>	Construction Deposit Returned		

NOTES / COMMENTS:

---



---



---



---



---