

VHCA ROW POLICIES

A. Definition of Terms and Lines of Authority

1. **The VHCA Board.** The Vacationland Hawaii Community Association (VHCA) Board is the "Board." Board actions are governed by the VHCA Bylaws. The VHCA Board creates policies for execution by various standing committees, one of which is the Roads and Common Areas Committee (RCAC).

2. **The Roads and Common Areas Committee.** At least one VHCA Board Director shall serve on the RCAC along with one committee member each from House Lots and Farm Lots. The RCAC executes the VHCA Board rights of way (ROW) policies. These policies include standards for road maintenance, signage, emergency vehicle access and evacuation, waste disposal, weed and pest control, utility easements, parking, and road/ROW obstructions. House Lots and Farm Lots have policies tailored to their needs.

3. **Annual Operating Funding.**

a. VHCA funds are segregated into two sections: House Lots and Farm Lots. Funds are allocated in proportion to the total assessments levied on property owners within each section. This segregation of funds accommodates different road standards for Farm Lots and House Lots. The budget each year normally contains an allocation for each section. Each year the VHCA Board sets road/ROW maintenance and improvement priorities within each section.

b. The Board may recommend special assessments, loans, or other measures to fund projects exceeding the normal budget. These recommendations are presented at either the membership Annual meeting, or at a special VHCA Board meeting.

c. Given VHCA Board direction, priorities, and budgetary information, the RCAC produces a maintenance plan, to include a list of projects needed to execute it. Given VHCA Board approval, the RCAC performs actions needed to keep roadways, the ROW, and utility corridors safe, clear, and accessible.

4. **Policy Variance.** Property owners who believe that they cannot meet ROW Policy standards should contact a VHCA Board member and request a policy variance. The Board will consider any reasonable policy variance request. The VHCA Board reserves the right to review and comment on all requests to subdivide property or to engage in property use beyond existing zoning restrictions.

B. Farm Lots ROW Policy.

1. **General.** ROW policies reflect public standards for emergency vehicle access and intersection sight distance. Emergency vehicles require a minimum of 20 feet unimpeded width across the ROW and a height clearance of 13 feet 6 inches. Objects or plantings within the ROW that obstruct sight distance, utility lines, emergency vehicle access, or otherwise constitute an obstruction or hazard are subject to removal without notice.

2. **Farm Lots Zoning.** Farm Lots is defined on TMK maps as Zone 1, Sect. 4, Plats 71 through 73. Zoning is agricultural (A-1a). Activities incompatible with agricultural zoning are prohibited within Farm Lots.

3. **Farm Lots ROW.** The standard Farm Lots ROW width is 40 feet, with nominal 20 foot road widths.

Margins on each side of the roads are reserved as utility corridors. Farm Lots roads are unpaved graded cinder except where traffic warrants an upgrade to a concrete or asphalt surface. Board approval is required for all ROW/road use changes. Road upgrades are required for substandard roads.

4. ROW Parking and Abandoned Vehicles. With the exception of emergency vehicles, there is no on-road parking. Every constructed lot shall include off-ROW parking for at least two vehicles. Long term parking, defined as a vehicle remaining stationary in excess of 7 days, is prohibited within the ROW. Short term parking along the ROW is permitted for homeowners and their guests so long as sight lines and emergency vehicle access is not compromised. Vehicles may remain stationary on the ROW for active loading/unloading only. No CONEX containers may be dismounted from their trailers onto the ROW. Violators may be documented, ticketed, reported to the police, and have their vehicles towed at the owner's expense. Any vehicle left on the ROW for a period in excess of one week will be considered abandoned and the RCAC may arrange to have it towed. The VHCA Board may approve temporary barriers placed in the ROW.

5. ROW Obstructions.

a. **Large Rocks.** Property owners placing rocks within the ROW shall keep them free of covering vegetation, ensure that they are plainly visible, and will assume responsibility for any ensuing accidents or damage attributed to these rocks. If a property owner cannot or will not properly manage rocks placed within the ROW the RCAC can, without notice, remove the rocks at owner's expense.

b. **Vegetation.** It is the property owner's responsibility to keep sight lines, power lines, and phone lines clear by trimming their vegetation, to include vegetation overhanging the ROW fronting their property. The RCAC will monitor vegetation within the ROW, trimming or spraying as needed to preserve utility corridors, emergency vehicle access, and sight lines along the road and to keep traffic signs visible. Of special concern is hazardous vegetation (overhanging coconuts, for example) or vegetation that presses against power or phone lines. If a property owner cannot or will not manage vegetation obstructing the ROW or threatening utilities the RCAC can, without notice, trim or remove this vegetation and bill the appropriate lot owner for this service. Plants on the Hawaii State noxious weed or invasive plant lists (www.hear.org/weedlists/usa/hi.htm/) are not permitted in the ROW. Property owners shall accept liability for any loss or damage that occurs as a consequence of their plantings in the ROW.

6. Greenwaste and Refuse Dumping. Greenwaste and refuse dumping outside County-authorized facilities is prohibited. Those found illegally dumping greenwaste or refuse will be identified to the VHCA Board for appropriate action. Property owners are responsible for the removal of greenwaste and refuse from the ROW adjacent to their property. The RCAC will monitor the accumulation of greenwaste and refuse along the ROW and provide notice to homeowners of greenwaste/refuse accumulation. If a property owner cannot or will not remove greenwaste within a reasonable period of time (4 weeks notice), the RCAC can, without further notice, remove it and bill the property owner for this service.

7. Signage. VHCA-approved signs, as well as mail and newspaper boxes are allowed within the ROW so long as they comply with emergency vehicle access requirements and do not obstruct utilities, traffic flow or sight lines. Non recurrent temporary signs for events such as bake sales, garage sales, open houses, meetings, etc. can be posted along the ROW for a period not to exceed 24 hours. Such signage shall not exceed 3 feet by 3 feet and shall be placed where sight lines and traffic signs remain unobstructed and traffic flow is unimpeded. VHCA bulletin boards and reader boards near the front gate are exempt from signage size limits. Signs, other than non-recurrent temporary signs, may be removed by the RCAC

without notice. The RCAC shall maintain street, parking, and traffic signage. Signage along Kapoho Kai shall be maintained to the Manual of Uniform Traffic Control Devices standard for streets.

8. Walls and Fences. Property owners shall not install permanent structures such as walls or fences on the ROW. The Board, in its discretion, may notify a property owner that a wall or fence is built on the ROW, but will be tolerated, subject to the VHCA's right to remove it at any time. The RCAC will provide property owners written notification of walls or fences obstructing the ROW, to include a date by which the obstruction must be removed. Any said obstruction not removed by the required date can, with no further notice, be removed by the RCAC at the owners expense.

9. Trenching and Damage. All trenching, digging, or utility lines within the ROW requires prior VHCA Board approval. No trenching for private water lines other than that done by KKWA is allowed along Kapoho Kai Road. The website <http://vhca.info> has a link to an information packet that has specifications for water line installation in Farm Lots. Farm Lots water lines not installed to specifications may be damaged during mowing and other maintenance; subsequent repairs will be the property owner's responsibility. Water lines and utility poles are to be in the outer five feet of the ROW. Any property owner or resident who performs or contracts work that causes road or utility damage within the ROW will be held liable for said damage.

10. Subdivisions. The Board of Directors must be notified of any proposal to subdivide property abutting VHCA's roads. VHCA is presently clarifying limitations on access to the road system by newly created lots and will publish those rules in this ROW policy when they are adopted. VHCA also anticipates by-laws changes to more strictly control subdivision's burden on the road system.

C. House Lots ROW Policy:

1. General. ROW policies reflect public standards for emergency vehicle access and intersection sight distance. Emergency vehicles require a minimum of 20 feet unimpeded width across the ROW and a height clearance of 13 feet 6 inches (2006 Hawaii State Fire Code). Objects or plantings within the ROW that obstruct sight distance, utility lines, emergency vehicle access, or otherwise constitute a hazard are subject to removal without notice. Utility improvements, including the Kapoho Kai Water Association (KKWA) water system and KKWA-proposed wastewater systems are subject to VHCA Board approval.

2. House Lots Zoning and the SMA. House Lots is defined on TMK maps as Zone 1, Section 4, Plats 67 through 70. It is essentially the residential (R10 zoning) area accessed using Kapoho Kai Road east of the Wai Opae sign. Activities incompatible with R10 zoning are prohibited within House Lots. House Lots is also within a Special Management Area (SMA). All activities or operations involving surface disturbance within the SMA are constrained to minimize adverse shoreline, pond/pool, and air/water quality impacts and require an SMA assessment and County Planning Department approval.

3. House Lots ROW. VHCA-managed property within House Lots includes roads and road stubs within a ROW of 40 foot width, with the exception of Kapoho Kai where the ROW is 60 feet wide and cul-de-sacs which terminate in a 40 foot radius. The ROW may be identified as the surface area between property boundary pins on opposite sides of the road. However, such pins can be mis-located or missing and the ROW is definitively identified only by formal survey. The asphalt road surface is roughly 16 feet wide. Keeping the ROW clear of obstructions for at least two feet on each side of the asphalt surface would satisfy the emergency vehicle 20 foot width requirement. Each lot owner can assist the VHCA by clearing property boundary pins of vegetation/obstructions and maintaining the ROW in front of his/her property.

4. ROW Parking and Abandoned Vehicles. With the exception of emergency vehicles, active loading/unloading, or tree trimming, on-road parking is prohibited. Every constructed lot shall include off-ROW parking for at least two vehicles. Long term parking, defined as a vehicle remaining stationary in excess of 7 days, is prohibited within the ROW. Temporary (short term) parking along the ROW is permitted for homeowners and their guests so long as it is off the pavement and sight lines and emergency vehicle access are not obstructed. Large vehicles may remain stationary on the ROW for active loading/unloading only, and not for a duration to exceed 24 hours. CONEX containers shall not be dismantled from their trailers onto the ROW. Short term visitor parking for tidepool and fishing access is provided in designated parking areas between the hours of 7 am and 7 pm. Parking violators may be documented, ticketed, reported to the police, and have their vehicles towed at the owner's expense. Any vehicle left on the ROW for a period in excess of one week will be considered abandoned and the RCAC may arrange to have it towed. The VHCA Board may approve signage and temporary barriers placed in the ROW to manage parking.

5. ROW Obstructions.

a. **Large Rocks.** Large rocks are often placed along the ROW to prevent vehicles from driving around speed bumps, to limit parking, and to protect water meters. The RCAC will review all large rocks placed in the ROW, removing those that obstruct emergency vehicle access (within two feet of the asphalt surface) or constitute a traffic hazard. Property owners wanting rocks within the ROW shall keep them free of covering vegetation, ensure that they are plainly visible, and will assume responsibility for any ensuing accidents or damage attributed to these rocks. If a property owner cannot or will not properly manage rocks placed within the ROW the RCAC can, without notice, remove them.

b. **Vegetation.** It is the property owner's responsibility to keep power lines, utility boxes, phone lines, and sight lines along roads clear by trimming their vegetation, to include vegetation overhanging the ROW fronting their property. Vegetation within two feet of the asphalt road surface should be soft and less than three feet in height. The RCAC will monitor vegetation within the ROW, trimming as needed to preserve utility corridors, emergency vehicle access, and sight lines along the road and to keep traffic signs visible. Of special concern is hazardous vegetation (overhanging coconuts, for example) or vegetation that presses against power or phone lines. If a property owner cannot or will not manage vegetation obstructing the ROW or threatening utilities the RCAC can, without notice, trim or remove this vegetation and bill the appropriate lot owner for this service. Plants on the Hawaii State noxious weed or invasive species plant list (www.hear.org/weedlists/usa/hi.htm/) are not permitted in the ROW. Property owners shall accept liability for any loss or damage that occurs as a result of their plantings in the ROW.

6. Greenwaste and Refuse Dumping. Greenwaste and refuse dumping outside County-authorized facilities is prohibited. Those found illegally dumping greenwaste or refuse will be identified to the VHCA Board for appropriate action. Property owners are responsible for the removal of greenwaste and refuse from the ROW adjacent to their property. The RCAC will monitor the accumulation of greenwaste and refuse along the ROW and provide notice to homeowners of greenwaste/refuse accumulation. If a property owner cannot or will not remove greenwaste within a reasonable time period (4 weeks notice), the RCAC can, without further notice, remove it and bill the property owner for this service.

7. Signage. VHCA-approved signs, as well as mail and newspaper boxes are allowed within the ROW so long as they comply with emergency vehicle access requirements and do not obstruct utilities, traffic flow or sight lines. Non recurrent temporary signs for events such as bake sales, garage sales, open houses,

meetings, etc. can be posted along the ROW on the day of the event for a period not to exceed 24 hours. Such signage shall not exceed 3 feet by 3 feet and shall be placed where sight lines and traffic signs remain unobstructed and traffic flow is unimpeded. VHCA bulletin boards and reader boards near the front gate are exempt from signage limits. Signs, other than non-recurrent temporary signs, may be removed by the RCAC without notice. Traffic signs are to be maintained to the Manual of Uniform Traffic Control Devices street standard.

8. Runoff and Water Movement. Because of the potential for roadway flooding during heavy downpours, concrete aprons should be designed to avoid dumping runoff onto the road. This can be accomplished through use of side cast drainage (a slight rise in the middle of the apron to divert water to the side), and the use of devices such as french drains. County code dictates the standards for property water runoff and is applicable for all VHCA lots. The natural passage of water through a property is not to be altered per County code.

9. Herbicide/Pesticide Use. Herbicide/pesticide use shall be consistent with SMA requirements. The RCAC shall advise property owners of the proposed spray schedule at least two weeks before the proposed spray date by posting a notice online and on the VHCA bulletin board. Property owners or residents not wanting the ROW in front of their property sprayed must provide a written statement of their desires to the VHCA Board or the RCAC prior to the scheduled spray and must also agree to maintain the section of the ROW that they do not want sprayed. Un-maintained sections of the ROW are subject to spray.

10. Walls and Fences. Property owners shall not install permanent structures such as walls or fences on the ROW. The Board, in its discretion, may notify a property owner that a wall or fence is built on the ROW, but will be tolerated, subject to the VHCA's right to remove it at any time. The RCAC will provide property owners written notification of walls or fences obstructing the ROW, to include a date by which the obstruction must be removed. Any said obstruction not removed by the required date can, with no further notice, be removed by the RCAC at the owner's expense.

11. Trenching and Damage. All trenching, digging, or utility line placement within the ROW shall comply with SMA requirements and requires VHCA Board approval. Other than those already installed, no trenching for private water lines other than that done by KKWA is allowed within House Lots or along Kapoho Kai Road. Any property owner or resident who performs or contracts work that causes road or utility damage within the ROW will be held liable for said damage.