



Volcano Cymbidium Acres
Road Maintenance Corporation

RIGHTS-OF-WAY POLICY

In accordance with the Bylaws Article 7.2, and approval by the VCARMC Board on July 11, 2024, to facilitate the maintenance of the roadways and rights-of-way, the Board will enforce the following policies, effective January 1, 2025:

1. **The VCARMC Board.** The Volcano Cymbidium Acres Road Maintenance Corporation (VCARMC) Board is the body governing the private roads in this subdivision. Board actions are governed by the VCARMC Bylaws. The VCARMC creates policies for executing the requirements of the Bylaws. These policies include standards for roadway and rights-of-way maintenance, signage, emergency vehicle access, waste disposal, weed and pest control, utility easements, parking, and obstructions. Although feral pigs are pests, their control is not within the purview of the VCARMC.
2. **Funding.** Annual assessments are levied on all property owners whose property accesses or abuts the private roads of the subdivision. Each year, the VCARMC sets roadway and rights-of-way maintenance and improvement priorities. The Board may recommend special assessments, loans, or other measures to fund projects exceeding the normal budget. These recommendations are presented at either the Annual Membership Meeting, or at a special VCARMC Board Meeting. Based on priorities and budgetary information, the VCARMC produces a maintenance plan of projects to be completed.
3. **General.** Emergency vehicle access and intersection sight distance must not be impeded. Emergency vehicles require a minimum of 20 feet width across the right-of-way and a height clearance of 13 feet 6 inches. Objects or plantings within the right-of-way that obstruct sight distance, utility lines, emergency vehicle access, or otherwise creates an obstruction or hazard are subject to removal without notice.
4. **Rights-of-Way.** All rights-of-way are 40 feet wide, except for Kalaninuali Road which is 50 feet wide. All roadways were originally designed and constructed to be 16 feet wide. A right-of-way is the surface area between property corner pins on opposite sides of the roadway. However, corner pins can be mis-located or missing, and the rights-of-way are definitively identified only by formal surveys. Property owners can help the VCARMC by clearing corner pins of vegetation/obstructions and maintaining the right-of-way in front of her/his property. Margins on each side of the roadways are reserved as utility corridors.
5. **Parking and Abandoned Vehicles.** With the exception of emergency vehicles, or for roadside tree-trimming, on-road parking is prohibited. Long-term parking, defined as a vehicle remaining stationary in excess of 7 days, is prohibited within the right-of-way. Short-term parking along the right-of-way is permitted for homeowners and their guests as long as it is off the pavement and sight lines and emergency vehicle access are maintained. Vehicles may remain stationary on the right-of-way for active loading/unloading only, and not for a duration to exceed 24 hours. No shipping containers may be dismounted from their trailers onto the right-of-way. Violators may be reported to the police, ticketed, and/or have their



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vehicles towed at the owner's expense. Any vehicle left on the right-of-way for a period exceeding seven days will be considered as abandoned, and the VCARMC may arrange to have it towed.

6. **Obstructions.**

- a. **Vegetation.** It is the property owner's responsibility to keep sight lines and utility lines clear by trimming their vegetation, including vegetation overhanging the right-of-way fronting their property. The VCARMC will monitor vegetation within the right-of-way, trimming and spraying as needed to protect roadway surfaces, and preserve utility corridors, emergency vehicle access, and sight lines along the road, and keep traffic signs visible. Plants on the Hawai'i State noxious weed or invasive plant lists (www.hear.org/weedlists/usa/hi.htm) are not permitted in the rights-of-way. Property owners shall accept liability for any loss or damage occurring as a result of their plantings in the rights-of-way.
- b. **Mowing.** The VCARMC contracts to have the four feet on both sides of all roadways mowed quarterly. The contract also includes removal of some invasive plants. The Board asks property owners to maintain the balance of the rights-of-way in front of their property, and provide mowing between quarterly mowings.
- c. **Herbicide/Pesticide Use.** Herbicides or pesticides used by the VCARMC shall comply with State of Hawai'i standards. The VCARMC shall notify property owners of the proposed spray schedule at least two weeks before the proposed spray date by posting a notice on the home page of the Association website and on signs at the entrances to the subdivision. Property owners not wanting the right-of-way in front of their property to be sprayed must provide a written statement of their desires to the VCARMC Board prior to the scheduled spray date(s), and must also agree to maintain the section of right-of-way that they do not want sprayed. Un-maintained sections of the rights-of-way are subject to being sprayed.
- d. **Rocks and logs.** Property owners placing rocks and/or logs within the rights-of-way shall keep them at least 4 feet from pavement edges, free from covering vegetation, ensure they are plainly visible, and assume responsibility for any accidents or damage attributed to them. If a property owner will not, or cannot, properly manage rocks or logs placed in the rights-of-way, the VCARMC can, without notice, remove the rocks or logs at the owner's expense.
- e. **Greenwaste and refuse dumping.** Greenwaste and refuse dumping outside of County-authorized facilities is prohibited. Those found illegally dumping greenwaste or refuse will be identified to the VCARMC Board for appropriate action. Property owners are responsible for the removal of greenwaste and refuse from the rights-of-way adjacent to their property. The VCARMC will monitor the accumulation of greenwaste and refuse along the rights-of-way, and provide notice to property owners of any accumulation. If a



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property owner cannot, or will not, remove accumulated waste within a reasonable period of time (4-week notice), the VCARMC can, without further notice, remove it and bill the property owner for this service.

- f. **Signage.** VCARMC-approved informational signs are allowed within rights-of-way, as 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, yard sales, open houses, meetings, etc. can be posted along the rights-of-way 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. Signs, other than non-recurrent temporary signs, may be removed by the VCARMC without notice. The VCARMC maintains street and traffic signage.
 - g. **Walls and fences.** Property owners shall not install permanent structures such as walls or fences in the rights-of-way. The Board, at its discretion, may notify a property owner that a wall or fence is built in a right-of-way, but will be tolerated, subject to the VCARMC's right to remove it at any time. The VCARMC will provide property owners written notification of walls or fences obstructing the rights-of-way, 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 VCARMC at the owner's expense.
 - h. **Trenching and Damage.** All trenching, digging, or utility lines within the rights-of-way requires prior VCARMC approval. Utility poles must be in the outer five feet of the rights-of-way. Any property owner or resident who performs or contracts work that causes damage within the rights-of-way will be held liable for said damage.
7. **Policy Variance.** Property owners who believe that they cannot meet Rights-of-Way Policy standards should contact the VCARMC Board and request a policy variance. The Board will consider any reasonable policy variance request, and issue a formal opinion to which the property owner must comply. The VCARMC Board reserves the right to review and comment on all requests to subdivide property or to engage in property use not in compliance with the current County of Hawai'i Zoning Code.

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