

**Kohala By The Sea Community Design Committee Design Guidelines, Standards and Restrictions Policy
Regarding Installation of Solar Energy Devices for SINGLE FAMILY HOMES**

Effective August 1, 2012, Revised April 17, 2015

Pursuant to the Hawaii Revised Statutes (HRS) §196-7, as amended, the Kohala by the Sea Community Design Review Committee ("DRC") *does not assess or charge any homeowner any fees for the placement of any solar energy device.* However, as required by the Declaration of Covenants, Conditions and Restrictions for KOHALA BY THE SEA dated May 14, 1990, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii as Document No. 1731526 as the same may be amended from time to time (the "Declaration") and the Design Rules promulgated pursuant to it, DRC design review and approval is required for any proposed exterior improvement, including new construction, alterations and/or additions, including proposed solar applications. The purpose of the review is to determine the aesthetic impact the proposed improvements have on neighboring properties and common areas and to ensure the continued beauty and quality of our community. As such, the DRC has the authority to require reasonable modifications of proposed improvements (or placement of improvements) to comply with the guidelines/restrictions outlined in the Kohala by the Sea Association governing documents. In the event that the proposed Solar Devices may pose a safety issue due to glare or distraction, the DRC reserves the right to request that the proposed Solar Devices be moved, modified, or installed using non-reflective panels so as to have the least possible impact to drivers, pedestrians, and neighbors.

"Solar energy device" as used herein means any identifiable facility, equipment, apparatus, or the like, including a photovoltaic cell application, that is applicable to a single-family residential dwelling or townhouse and makes use of solar energy for heating, cooling, or reducing the use of other types of energy dependent upon fossil fuel for generation; provided that "solar energy device" shall not include skylights or windows.

As required by the Kohala by the Sea Association Declaration, a non-refundable design review fee may be required to be paid by the applicant to cover all related costs of plan review, including interim and post-completion inspections. With respect to solar energy devices, this design review fee is in no way a fee that has been assessed to the homeowner for the placement of the device. The design review fee is strictly required to cover all related review costs of proposed alterations, additions or new construction to a property within the Kohala by the Sea, pursuant to the Kohala by the Sea Association governing documents. The DRC will contact the applicant during the approval process if a design review fee will be required.

Per HRS §196-7, as amended, an Association's solar placement policy may reasonably restrict the placement of solar devices, but not to the extent that the restriction renders the device more than 25% less efficient, or to increase the cost of the device by more than 15%.

In compliance with HRS §196-7(b), the following design guidelines, standards and restrictions regarding the placement of solar energy devices are effective immediately:

Design Review:

The applicant shall be required to install solar energy devices strategically, so that the device(s) are both effective and produce the least adverse impact to neighboring properties as possible. **All submittals for the addition of solar energy device(s) shall be reviewed on a case-by-case basis.** The DRC shall review proposed locations for aesthetic appropriateness, taking into consideration the view planes of neighboring properties and common areas, to determine compliance with this requirement.

Solar energy devices shall be placed on the roof in accordance with these guidelines unless such roof is deemed unfit for a roof installation by a structural engineer independent of the project or the Development architect. The written assessment is to be submitted with the Application form. Should a ground mount system be the only option the DRC will review the mounting location for any adverse impact to neighboring properties. The DRC may further require that a rock wall, landscaping, and/or gate or other barrier be constructed to ensure the least impact to neighboring properties, drivers and the general safety of the Development while maintaining the statutory purposes and requirements.

Approval Procedure:

Applicant shall provide the following documentation for review and approval, prior to installation:

- Completed Application Form (form provided upon request and available on the Development website)
- 1 full-size and 1 half-size sets of plans to include:
 - Site plan, identifying the general location of the proposed solar energy device(s)-**must include North arrow**
 - Roof Plan
 - Exterior Elevations of the affected view planes
- Details and equipment specifications – Details shall include energy efficiency specifications of the product, i.e. anticipated energy generation and savings compared to the current electrical load of the property.
- The applicant may be required to pay an architectural fee of approximately \$500 to cover possible architectural review costs. If the DRC deems it necessary to consult with our association architect, the applicant will be contacted with a payment amount and instructions. Upon approval of the applicant's proposed improvements, the DRC shall provide a written conditional approval letter to the applicant that will include a list of pre-construction requirements. These requirements include, but may not be limited to:
 - Copy of any applicable required County permits
 - Evidence of Fully Executed Construction Contract
 - Final Construction Schedule

The applicant shall request, in writing, the DRC's final inspection of the proposed improvements within 2 weeks of completion. A copy of the final inspection card issued by the County of Hawaii Building Department must be sent to the DRC, prior to the DRC's final inspection. Once the project has passed the DRC inspection, a letter of completion will be sent to the applicant.
