

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 8 - 46
Acceptance Date:	5-8-18
Website Posting Date:	5-15-18
Determination Date:	5-8-18
Planning Commission Date:	5-22-18
Expiration Date:	5-22-21
Planner Assigned:	JG/AS

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Gregory A. Strickland and Sue T. Strickland, Trustees, c/o Lorna A. Nishimitsu
Mailing Address:	4334 Rice Street, Ste. 202 Lihue, HI 96766
Phone:	808-246-6965
Email:	lan@kauai-law.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	19 March 2018

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Residential R-4
Tax Map Key(s):	4-8-13:018
Land Area:	18,745 s.f.
Nature of Development: (Description of proposed structure or subdivision)	construction of single family dwelling (ADU)

NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Property is Not Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 386 ~~386~~ 300 ft. *
ju
- Additional Information:
☐ Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

one unimproved parcel (trees/vegetation) abuts the shoreline, as does Aliomanu Road



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
flat

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
sandy beach

☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____
☐ Is property in coastal floodplain (if checked, what zone)? _____
☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
not to owners' knowledge

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Shirley Linton 3/19/18
Signature Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
<input type="checkbox"/>	Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.
<u>[Signature]</u> <u>6.8.18</u> Planning Director or designee Date	

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☐ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☐ A detailed Plot Plan **to scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)



PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

- ☐ Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

- ☐ Additional comments/conditions:

note corrections on application

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION
ATTACHMENT
(GREGORY A. STRICKLAND and SUSAN T. STRICKLAND, Trustees)

Attached are two aerial photographs, Exhibit "A" depicting an approximately 180 lineal feet distance between one point of the vegetation line on TMK: (4) 4-8-13:012 and the frontage of the existing dwelling on TMK: (4) 4-8-13:018 (the Subject Property), and Exhibit "B" depicting an approximately 386 lineal feet distance between another point of the vegetation line on TMK: (4) 4-8-13:012 and the approximate frontage of the proposed new dwelling (the ADU).

Untitled Map
Write a description for your map.

Legend

- 📍 4721 Aliomanu Rd
- 🗑️ STRICKLAND



EXHIBIT "A"

Untitled Map

Write a description for your map.

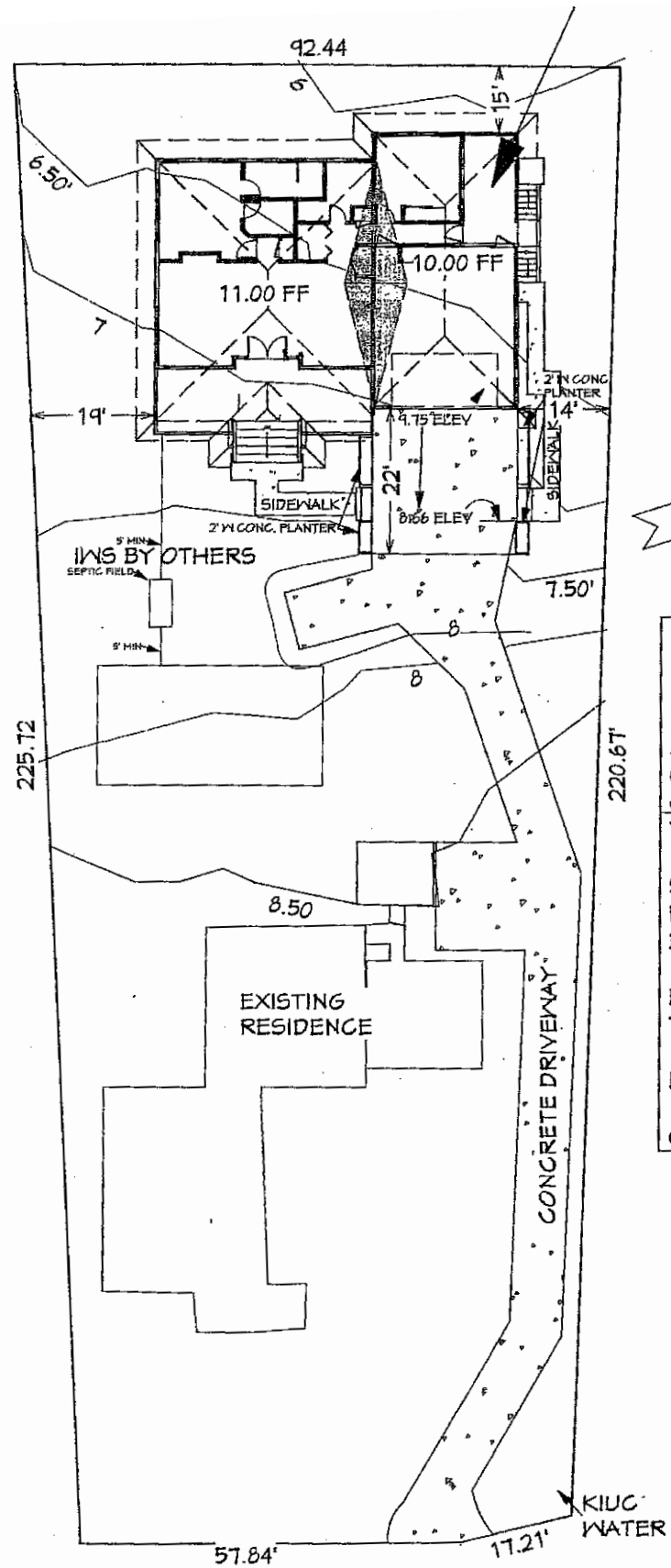
Legend

4721 Aliomanu Rd

4721 Aliomanu Rd

Aliomanu Rd

EXHIBIT "B"



LOT CALCULATIONS	
LIVING AREA	1,283 SQ.FT.
COVERED LANAI	448 SQ.FT.
GARAGE	550 SQ.FT.
TOTAL HOUSE	2,281 SQ.FT.
SIDEWALK	207 SQ.FT.
PLANTERS	60 SQ.FT.
DRIVEWAY	2,256 SQ.FT.
EXISTING HOUSE	1,356 SQ.FT.
TOTAL	6,160 SQ.FT.
LOT	18,745 SQ.FT.
COVERAGE	32.9%

FILL IMPORTED - 66.27 CU. YDS.

0 20 40

GRAPHIC SCALE IN FEET

STRICKLAND SITE PLAN

18,745 SQ.FT.
ALIOMANU, KAPAA, KAUAI, HAWAII
TMK (4) 4-8-13-18

SCALE 1" = 5'

HUNDLEY ROAD
(ALIOMANU ROAD)

EXHIBIT "H"

- ☐ Land Use Commission
- ☐ Dept. of Land & Nat. Resources
- ☐ Land Management
- ☐ Forestry & Wildlife

- ☒ Other (County, State, Federal)
- ☒ Lee S. (Trans. Planner)
- ☒ UH Sea Grant



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>8</u> - <u>17</u>
Acceptance Date:	<u>5.9.18</u>
Website Posting Date:	<u>5.16.18</u>
Determination Date:	<u>5.9.18</u>
Planning Commission Date:	<u>5.22.18</u>
Expiration Date:	<u>5.22.21</u>
Planner Assigned:	<u>JB/AS</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<u>Timothy & Eliza Smith, Trust</u>
Mailing Address:	<u>983 JALAN WAY</u> <u>PACIFIC PALISADES, CA 90272</u>
Phone:	<u>310-780-1569</u>
Email:	<u>tsmithsci@hotmail.com</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	<u>4/19/18</u>

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>OPEN(0)</u>
Tax Map Key(s):	<u>(4)5-8-012:034</u>
Land Area:	<u>17,627 sq. ft.</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Construct new Single-Family Dwelling & Coral Surf. Driveway/Parking & Walkways.</u>

NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: 20 ft. - 23 ft.
- ☒ Additional Information:
☐ Closest distance of improvement(s) from Shoreline is approximately 19 ft. 81 ft.
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

Kuhio Highway ROW.



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Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Relatively flat existing elevation of parcel 11-12' msl. Outcrops to 9-8' msl. (connect) (see attached Aerial Map)

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Nearest Shoreline is a sandy beach (see attached Aerial Map)

☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead):
☐ Is the armoring permitted/authorized?

☒ Date of authorization (attach copy of authorization letter):

☒ Is property in coastal floodplain (if checked, what zone)? No

☒ Has this property been subject to coastal hazards in the past? (If checked, please describe)

No

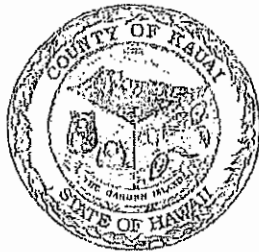
If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit: §8-27.7(b)(6).

Applicant's Signature

Timothy = Eliza Santos, Trust 10/25/16
Signature Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/> Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.	
<u>[Signature]</u>	<u>5.9.18</u>
Planning Director or designee	Date



PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

Exemption Determination

A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))

☐ Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ Exemption 3

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kauai County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

NA Shoreline Cert. *[Signature]* 5/14/11
Planning Director or designee Date



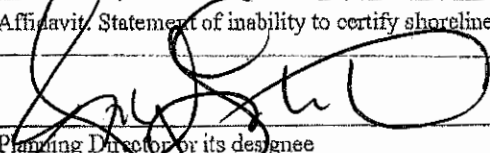
PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision within the Shoreline Setback Area that requires a certified shoreline, a determination of applicability (Part A & B) from the Planning Director shall first be obtained.

Certified Shoreline	
<input checked="" type="checkbox"/> Certified Shoreline	3.23.18
<input checked="" type="checkbox"/> Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)	
<input type="checkbox"/> Average Lot Depth: _____	
<input type="checkbox"/> Setback (Table 1 or Table 2): _____	
<input type="checkbox"/> Affidavit, Statement of inability to certify shoreline, pursuant to §8-27.3(d)	
	5/19/18
Planning Director or its designee	Date

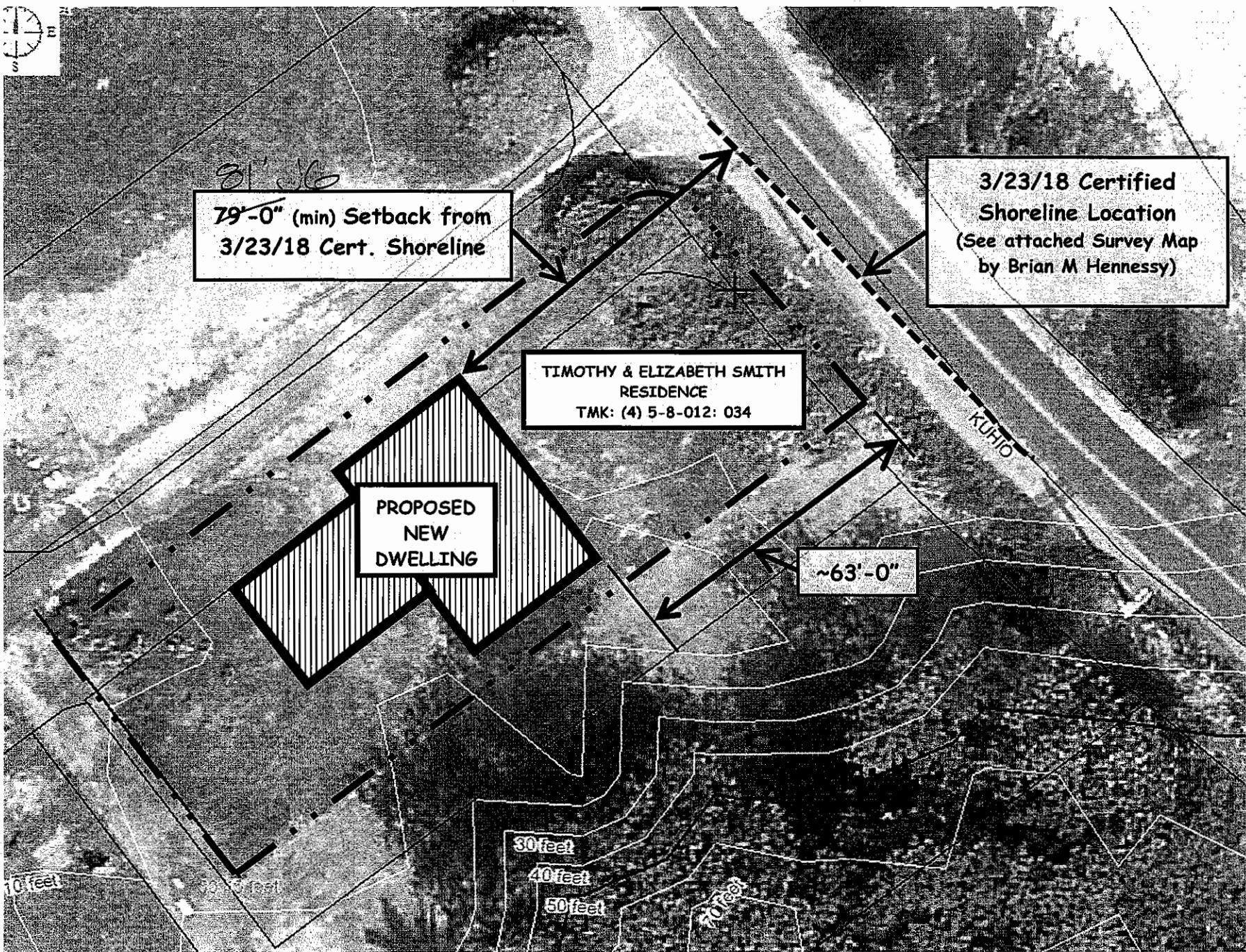
Public Projects less than \$125,000	
<input type="checkbox"/> Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))	
Planning Director or designee	Date
<input type="checkbox"/> Certified Shoreline Required	
<input type="checkbox"/> Certified Shoreline Not Required	

Describe proposed structure(s), including but not limited to landscaping plan:

--

Written text addressing the above proposed structure addressing the compliance with §8-27.8(c)(2):

--



SHORELINE SETBACK DETERMINATION AERIAL MAP

NTS

DAVID Y. IGE
GOVERNOR OF HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

March 27, 2018

File No.: KA-423

Honua Engineering, Inc.
P.O. Box 851
Hanalei, Hawaii 96714

Dear Applicant:

Subject: Transmittal of Signed Shoreline Certification Maps
Owner(s): Timothy Smith
Tax Map Key: (4) 5-8-012:006 por.

Enclosed please find two (2) copies of the certified shoreline survey map for the subject property.

If you have any questions, please feel free to call us at (808) 587-0424. Thank you.

Sincerely,

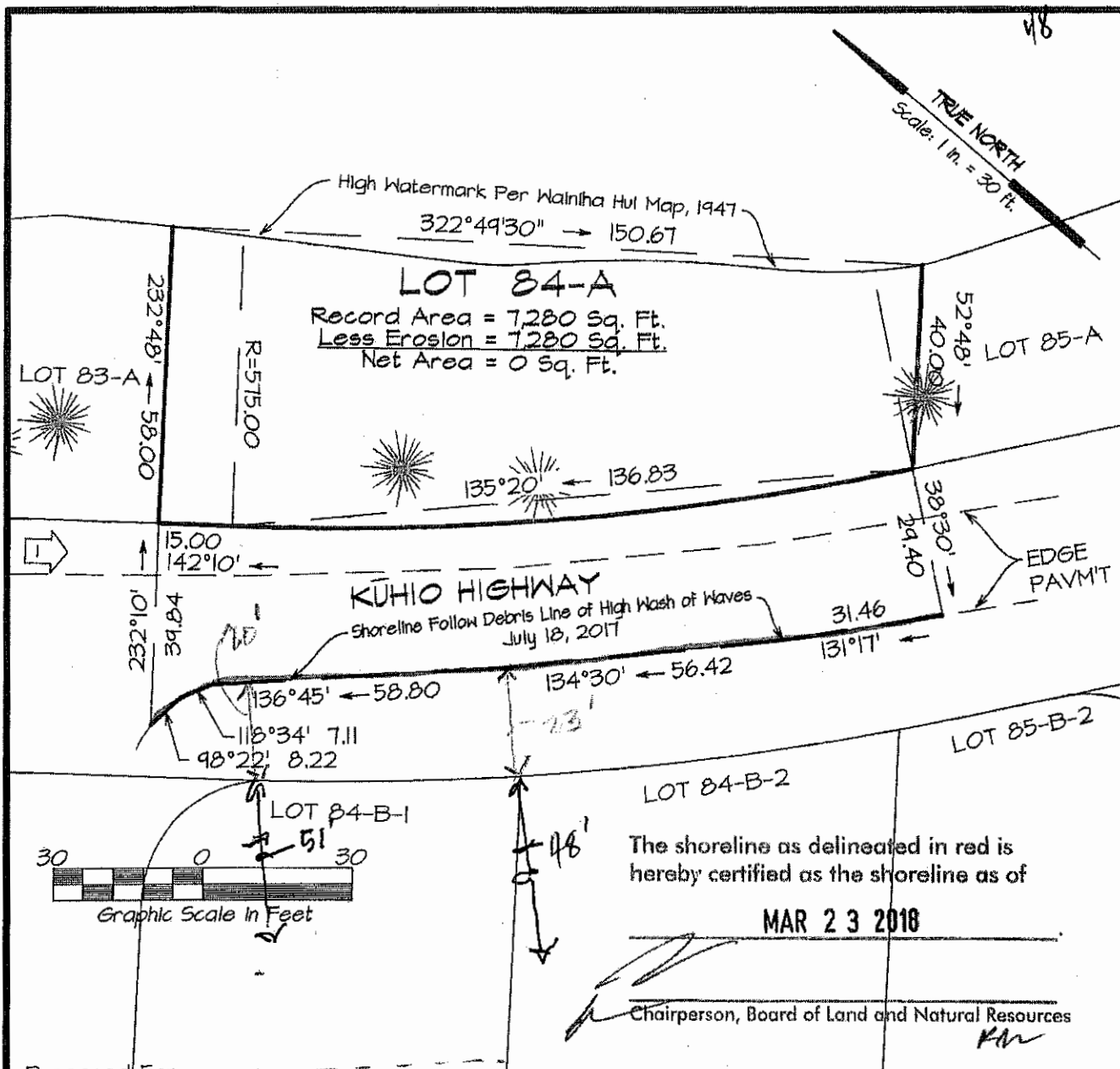
A handwritten signature in black ink, appearing to read "Cal Miyahara", is written over the typed name.

Cal Miyahara
Shoreline Disposition Specialist

Enclosures

cc: DAGS
KDLO

71
48



Prepared For:
Timothy Smith
983 Jacon Way
Pacific Palisades, CA
90212

September 8, 2017
Rev. February 2, 2018

LEGEND

- DENOTES IRONWOOD TREE
- DENOTES SHORELINE PHOTO DIRECTION & #

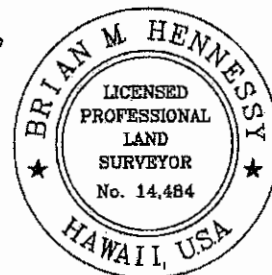
Honua Engineering, Inc.
P.O. Box 851 Hanalei, HI 96714 (808) 826-7256

Tax Map Key: (4) 5-B-12:06 (Portion)

SHORELINE CERTIFICATION MAP

OF
LOT 84-A

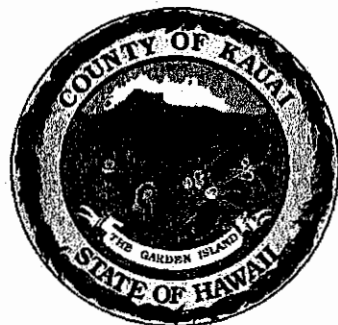
WAINIHA HUI LAND
Portion of R. P. 7194
L. C. Aw. 11216 Ap. 5 to M. Kekauonohi
WAINIHA, HALELEA, KAUAI, HAWAII



THIS MAP WAS PREPARED BY ME OR
UNDER MY SUPERVISION

Brian M. Hennessy
BRIAN M. HENNESSY
Licensed Professional Land Surveyor
Certificate No. 14,484 EXP. 4/30/18

Project No. 5801



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201	8 - 48
Acceptance Date:	5.9.18
Website Posting Date:	5.15.18
Determination Date:	5.9.18
Planning Commission Date:	NA
Expiration Date:	5.9.19
Planner Assigned:	JG/AJS

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant: Mr. Peter Eacott	
Mailing Address: PO Box 534 Anahola, HI 96703	Phone: (505) 450-8259 Email: eacott@gmail.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: Open	Tax Map Key(s): (4)4-9-014:15
	Land Area: 4,152 sq. ft. NET
Nature of Development: (Description of proposed structure or subdivision)	Proposed interior remodel improvements only. Proposed improvements convert existing duplex to a 3-bedroom/2.5 bath single-family residence.

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 20 ft.
- Property is Not Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: 0.3 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

N/A



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Flat

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
Sandy with rocky outcropping

☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____

☒ Is property in coastal floodplain (if checked, what zone)? VE25
☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunamis, etc.) in the past?
Not to our knowledge

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

[Handwritten Signature]

Signature

4/20/18

Date

Applicability (to be completed by Planning Department)

- ☒ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.
- ☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.

[Handwritten Signature]
Planning Director or designee

5.9.18
Date

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application

Part B

- ☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan **to scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)



PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐ Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

- ☒ Letter from the Department of Public Works stating that the proposed project does **NOT** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

☐ Additional comments/conditions:

Peter Eacott
3531 Moloaa Road
Moloaa, Kauai, Hawaii
(505) 450-8259

County of Kauai
Planning Department
County Building, #473, Bldg. A
4444 Rice Street
Lihue, Hawaii 96766

County of Kauai
Department of Public Works
Division of Buildings
Mo'ikeha Building
4444 Rice Street

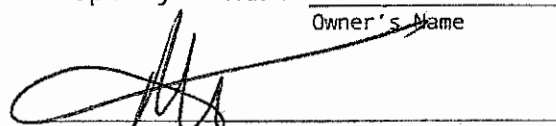
Re: Letter of Authorization
TMK: (4)4-9-014:015

To whom it may concern,

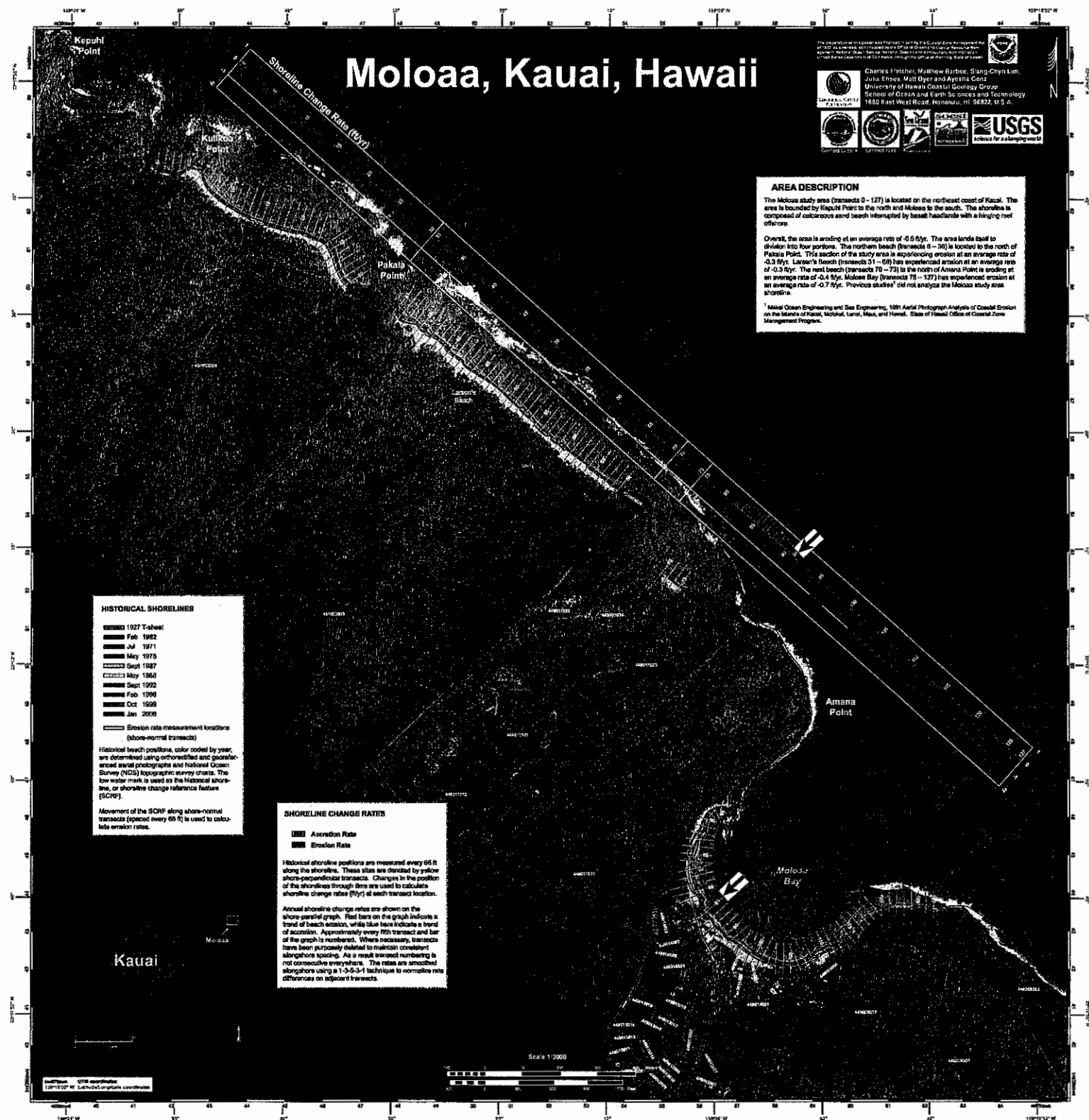
This letter is to inform all parties that Conrad Schmidt and/or Nathan Teixeira, of Design Consultants, whose mailing address is P.O. Box 48, Kilauea, Hawaii 96754 and whose phone number is (808) 828-1833 is acting on my behalf in regards to obtaining a Building Permit for the construction of a remodel to my existing residence, and other such improvements on the above and below referenced property. I hereby authorize Conrad Schmidt and/or Nathan Teixeira to act on my behalf in matters of permits, schedules, and other non-financial matters pertaining to the above referenced construction improvements on property located at 3531 Moloaa Road, Kauai, Hawaii, TMK:(4)4-9-014:015.

Respectfully submitted,

Property Owner: Peter Eacott
Owner's Name


Owner's Signature

Date: 4/5/18



Eacott Moloaa Residence

Google Earth Image

Legend



Google Earth

© 2018 Google

Bernard P. Carvalho Jr.
Mayor



Lyle Tabata
Acting County Engineer

Wallace G. Rezentes Jr.
Managing Director

DEPARTMENT OF PUBLIC WORKS

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766
TEL (808) 241-4992 FAX (808) 241-6604

April 10, 2018

Design Consultants Kauai
PO BOX 48
Kilauea, HI 96754
Attn: Nathan Teixeira

Subject: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION
PETER EACOTT INTERIOR IMPROVEMENTS AND REDESIGN
TMK: (4) 4-9-014:015

Dear Mr. Teixeira;

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed improvements to redesign the interior space to convert the existing duplex into a single-family residence. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations follows.

Market Value

There were no building permits for the structure within the past 10 years. The market value used in the calculations is the current Replacement Cost New Less Depreciation (RCNLD) value for the structure as determined by the County's Real Property Assessment Division. The 2018 RCNLD was determined to be \$623,000. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

Cost of Improvements

The total cost of improvements for the proposed interior redesign is taken to be the cost estimate of \$231,979.77 that was prepared by Ladd Construction Inc. and submitted to the Engineering Division on April 5, 2018.

Summary

The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$231,979.77}{\text{Market Value (Real Property): } \$623,000} = 0.372 \text{ or } 37.2\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

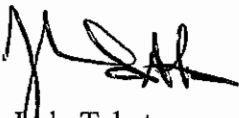
If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

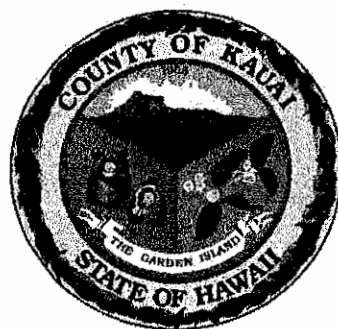
Concur,



Lyle Tabata
Acting County Engineer

SI/BV

Copy: Design and Permitting
 Planning



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>8</u> - <u>49</u>	
Acceptance Date:	<u>5-14-18</u>
Website Posting Date:	<u>5-15-18</u>
Determination Date:	<u>5-14-18</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>5-14-19</u>
Planner Assigned:	<u>26/AS</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	<u>Abraham Akutagawa</u> <u>Kenneth Wightman - Owner</u>
Mailing Address:	<u>PO Box 643</u> <u>Phone: 808-346-1986</u>
	<u>Lihue HI 96766</u> <u>Email: akutarch@gmail.com</u>
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>5/9/18</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>RR-20</u> Tax Map Key(s): <u>3-9-006:004 unit 6</u>
	Land Area: <u>162,479 sf</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>New Washer/Dryer install</u>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Property is Not Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 525 ft. 497 ft at
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: 55 ft./year -1.9 ft
(Information available here: www.soest.hawaii.edu/coasts/kauaiconty/KCounty.html)
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

5 Condo units & Tennis court Kaha Lani



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Flat

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Sandy beach

- ☐ Artificially armored Shoreline

☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

☐ Is the armoring permitted/authorized? _____

☐ Date of authorization (attach copy of authorization letter): _____

- ☒ Is property in coastal floodplain (if checked, what zone)? Flood zone VE

- ☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

None that I'm aware of.

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

[Signature]
Signature

5/9/18
Date

Applicability (to be completed by Planning Department)

- ☒ **Setback Determination necessary.** Requirements of Ordinance No. 979 are applicable.

- ☐ **Setback Determination is NOT necessary.** Requirements of Ordinance No. 979 are not applicable.

[Signature]
Planning Director or designee

5-14-18
Date



**PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION**

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☐ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))
- ☐ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☐ A detailed Plot Plan **to scale** with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)

Exemption Determination

☐ **Exemption 1**

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) including repairs and renovations that **DO NOT** enlarge or expand a nonconforming structure. (see pg. 7)

- ☐ Letter from the Department of Public Works stating that the proposed project does **not** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project)

Exemption Determination (to be completed by Planning Department)

- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

- ☐ **Additional comments/conditions:**

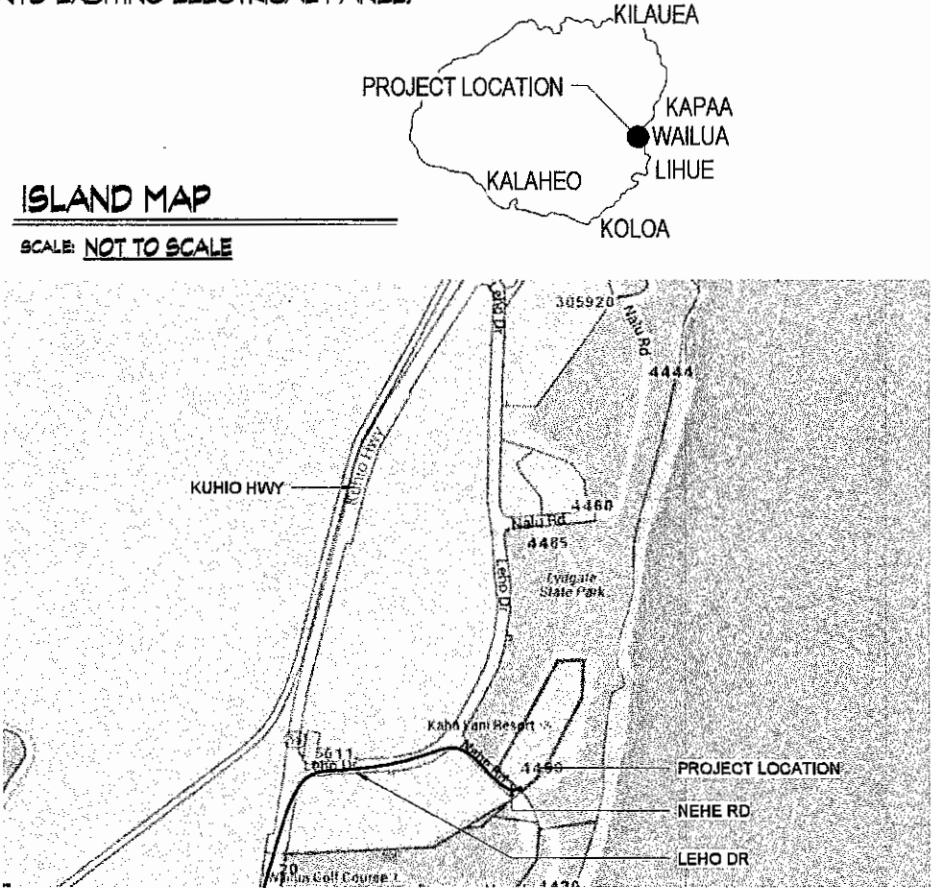


Parcel
Parcel List
Legend
Measure
Click on the map to gather po to complete.
Length: 525.335 ft
1) 22°02'06", -159°20'14"
2) 22°02'03", -159°20'05"

- INSTALL NEW STACKABLE WASHER/DRYER IN AREA LOCATED BY THE AREA OF WORK PLAN.
- CONNECT NEW 1/2" COLD AND HOT WATER LINES TO EXISTING LINES AT POWDER HAND SINK.
- CONNECT NEW 2" WASTE WATER LINE TO EXISTING CLEAN OUT LOCATED IN POWDER.
- CONNECT NEW 3" EXHUST VENT DUCT LINE TO VENT DRYER TO THE OUTSIDE OVER THE MAIN ENTRY.
- REPLACE EXISTING 120 OUTLET WITH 240 WASHER AND DRYER SERVICE TO BE TIED INTO EXSITING ELECTRICAL PANEL.

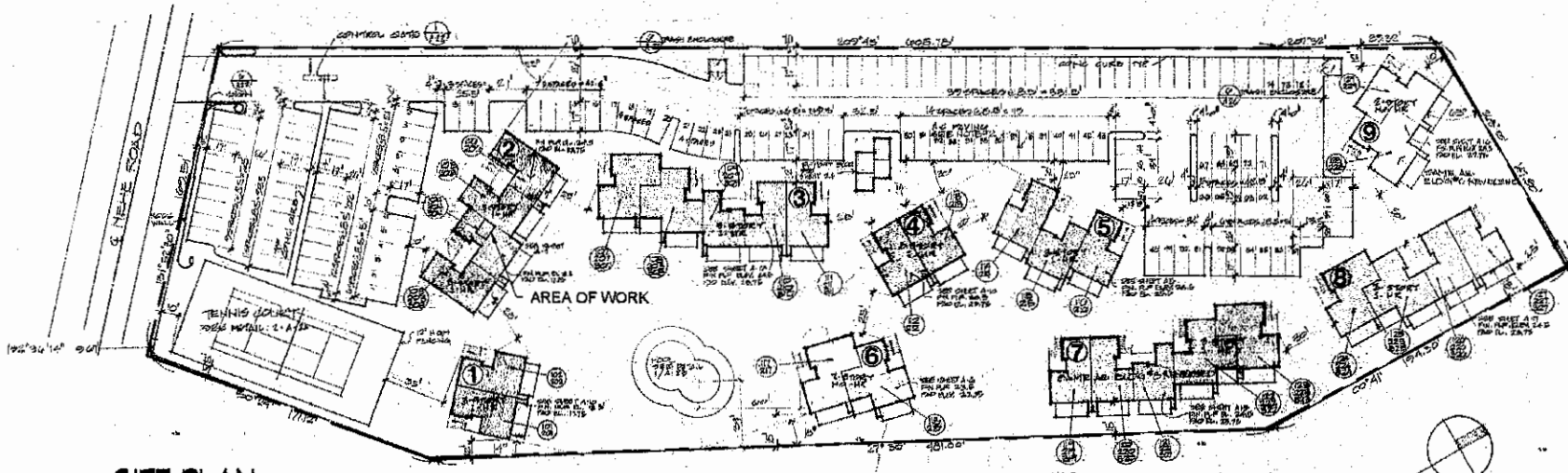
ISLAND MAP

SCALE: NOT TO SCALE



ROAD MAP

SCALE: NOT TO SCALE

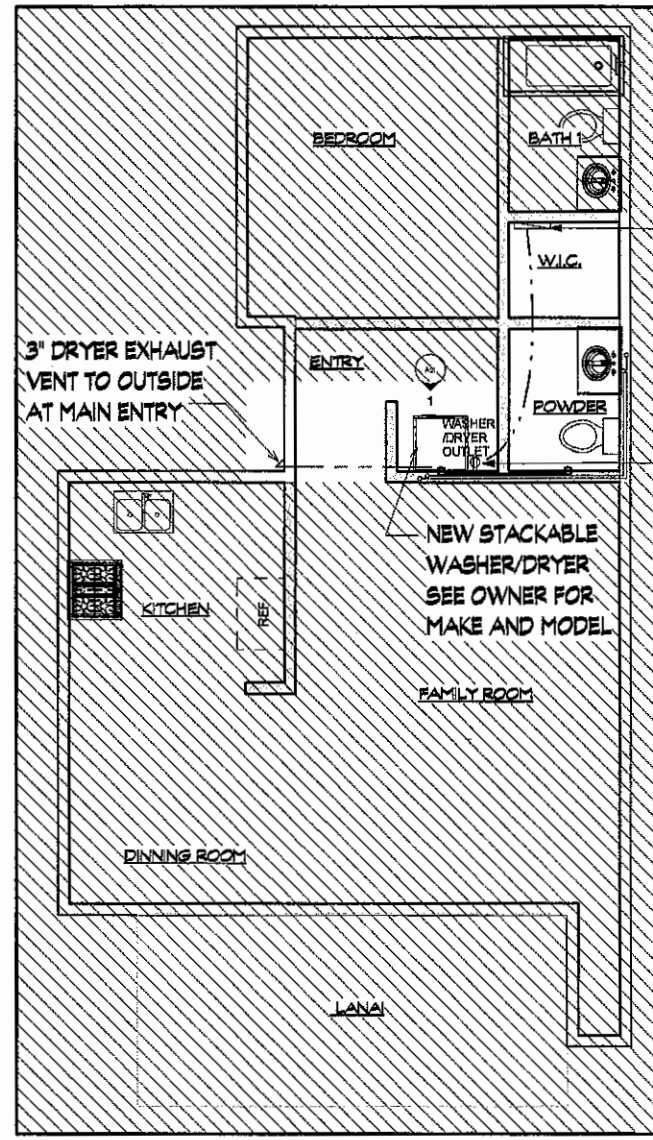


SITE PLAN

SCALE: 1" = 50'-0"

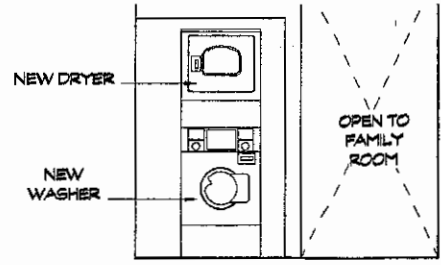
TOTAL SF OF AREA OF WORK: 35 SF

HATCHED AREA INDICATES NO NEW CONSTRUCTION.



AREA OF WORK PLAN

SCALE: 1/4" = 1'-0"



1 WASHER/DRYER INT. ELEVATION

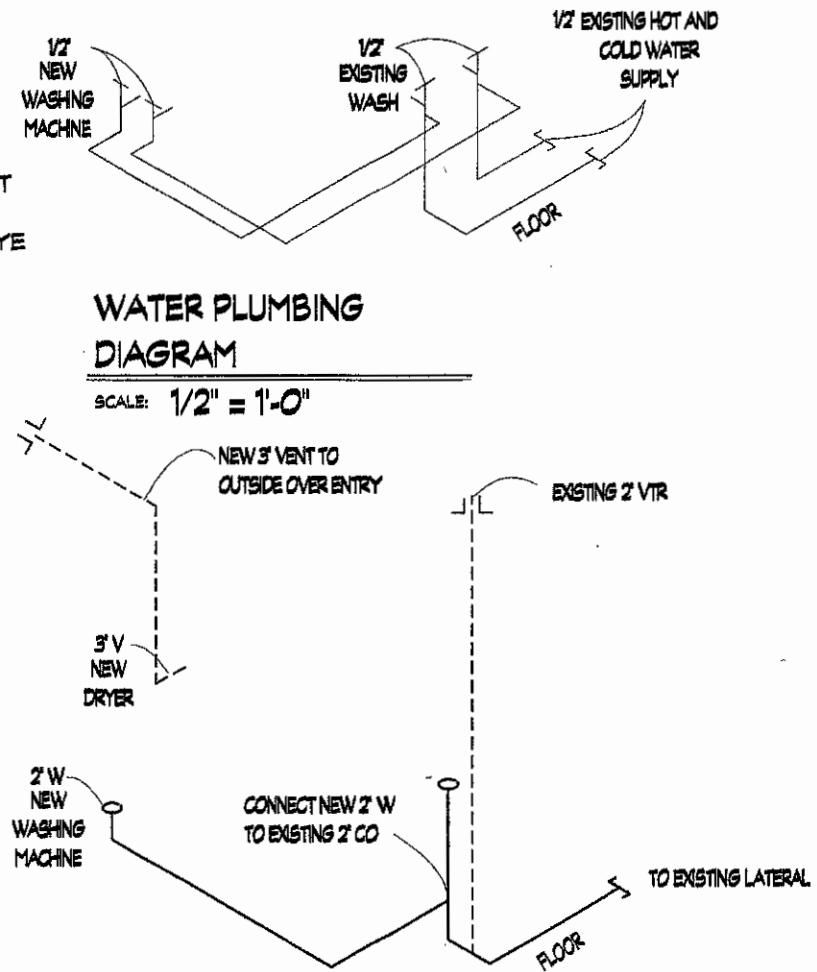
SCALE: 3/8" = 1'-0"

EXISTING ELECTRICAL PANEL

REPLACE (E)120 OUTLET W/ (N)240 WASHER/DYER OUTLET

WATER PLUMBING DIAGRAM

SCALE: 1/2" = 1'-0"



SANITARY PIPING AND VENTING DIAGRAM

SCALE: 1/2" = 1'-0"

PROJECT DATA:

OWNER:	KENNETH A WIGHTMAN 37399 HWY 13 N CRAIG, CO, 81625 973.820.3415	GENERAL SITE & BUILDING DATA	
PROJECT ADDRESS:	4460 NEHE RD LIHUE, HI 96766	TAX MAP KEY (TMK):	(4) 3-9-006:004 UNIT 4
		SITE AREA:	162,479 SF
		AREA OF IMPROVEMENT:	35 SF
		ZONING:	RR 20
		CONSTRUCTION TYPE:	V
		OCCUPANCY GROUP:	R-2



This work was prepared by me or under my supervision and construction of this project shall be under my observation.
Ron Agor
Lic. Expires 04-30-2018

KAHA LANI UNIT 104
WASHER/DRYER INSTALL
KENNETH WIGHTMAN
4460 NEHE RD
LIHUE, HI 96766

TMK 3-9-006:004 UNIT 4
MOKU: PUNA - AHUPUAHUA WAILUA

DOCUMENT DATE:
FEB 15, 2018
DOCUMENT NAME:
PERMIT SET

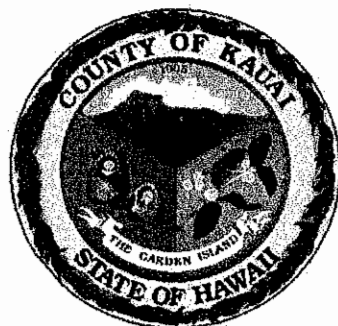
DRAWN BY:
APA

THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT ALL ERRORS AND OMISSIONS TO THIS OFFICE PRIOR TO COMMENCING WORK. THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PURPOSE OR REPRODUCTION OF THIS DOCUMENT OR THE ATTACHED DRAWINGS OR THE USE OF THE DESIGN APPROACH IDEAS OR CONCEPTS DESCRIBED IN THIS DOCUMENT AND THE ATTACHED DRAWINGS IN WHOLE OR IN PART BY ANY OTHER PARTY WITHOUT THE WRITTEN CONSENT OF AKUTAGAWA ARCHITECTURE AS THE ARCHITECT OF RECORD FOR THE PROJECT AND WITH THE WRITTEN CONSENT OF AKUTAGAWA ARCHITECTURE.

Rev.	Description	Date

PLANS/SECTION/DETAILS

A01



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>8</u> - <u>50</u>
Acceptance Date:	<u>5-15-18</u>
Website Posting Date:	<u>5-15-18</u>
Determination Date:	<u>5-15-18</u>
Planning Commission Date:	<u>5-22-18</u>
Expiration Date:	<u>5-22-21</u>
Planner Assigned:	<u>JG/A</u>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Maluhia Moana LLC, George Magoon, Manager
Mailing Address:	59-1591 Kohala Ranch Road Kamuela, Hawaii 96743
Phone:	808-640-0309
Email:	kuuloa1@gmail.com
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	March 17, 2018

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Open
Tax Map Key(s):	(4) 1-3-005-040
Land Area:	4.239 ac gross 3.173 ac net.
Nature of Development: (Description of proposed structure or subdivision)	Construction of a Single Dwelling Residence and an ADU

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 277 ft.
- Property is Not Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: 3.1 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

--



**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

☐ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Relatively flat.

☐ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
The beach is composed of black volcanic sand, mud, and calcareous sand. Terrestrial material is primarily delivered by the Waimea River, which is located to the east.

☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____

☒ Is property in coastal floodplain (if checked, what zone)? VE, AE, and X
☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
Flooding per the attached Exhibit "D", the Flood Hazard Assessment Report

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

George G. Mason, Jr. Manager 4-13-2018
Signature Date

Applicability (to be completed by Planning Department)

☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

[Signature] 6-15-18
Planning Director or designee Date

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☐ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☐ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☐ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)



**PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION**

Exemption Determination

☐

Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☐

Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐

Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

(A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;

(B) The repairs DO NOT constitute a substantial improvement of the structure; and

(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

☐ Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

☐

Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

☒

Additional comments/conditions:

Shoreline Certification



PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision that is *not* exempt (pursuant to Part B) and requires a certified shoreline. Determination of applicability (**Part A**) from the Planning Director shall first be obtained.

Certified Shoreline

Select the appropriate option:

- ☒ Certified Shoreline
- ☒ Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
- ☒ Average Lot Depth: 378 ft.
- ☒ Setback (Table 1 or Table 2): 277 ft.

☐ Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)

[Signature]
Planning Director or designee

5-15-18
Date

Public Projects less than \$125,000

☐ Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2)))

Planning Director or designee

Date

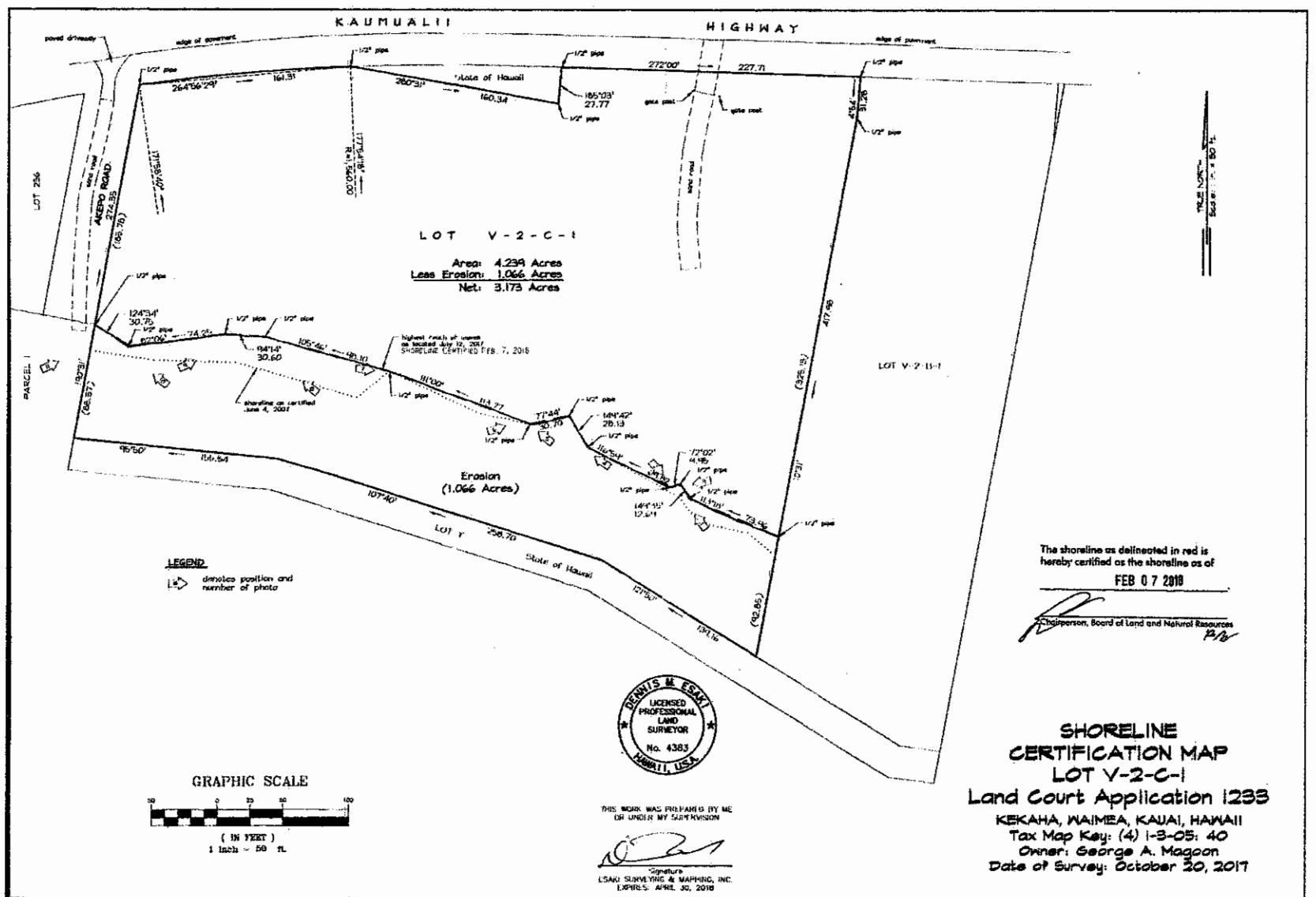
☐ Certified Shoreline Required

☐ Certified Shoreline Not Required

Describe proposed structure(s), including but not limited to the landscaping plan (please attach):

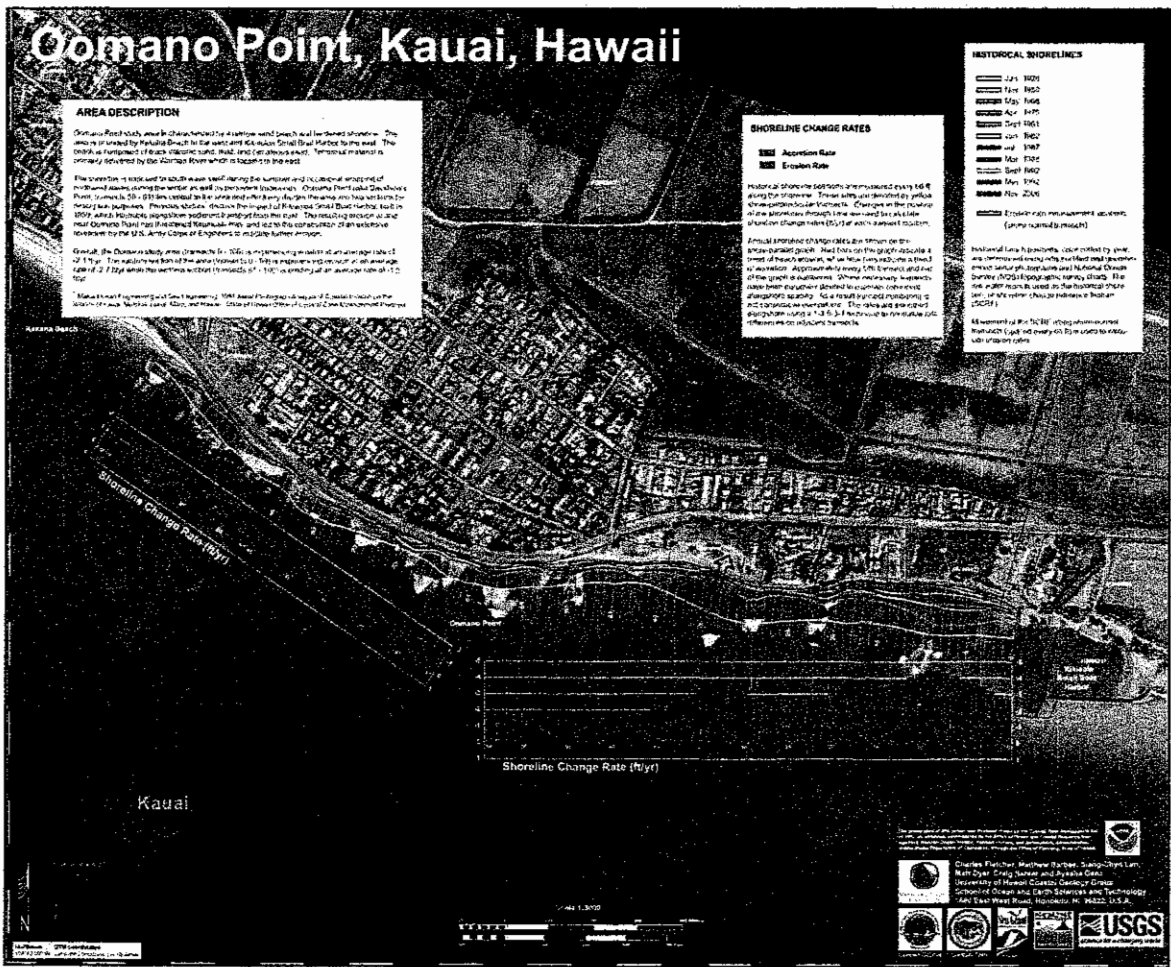
The construction of an elevated Single Family Dwelling (2,156 sf gross) with 2-parking below and an ADU (1,138 sf gross) also with 2-parking below. A 456 sf of sound wall along the highway is also proposed. The landscaping will be minimal with a lawn on the buildable area and extending 20 feet towards the ocean. A few small palm trees, plumeria trees and naupaka shrubs is proposed within the buildable area.

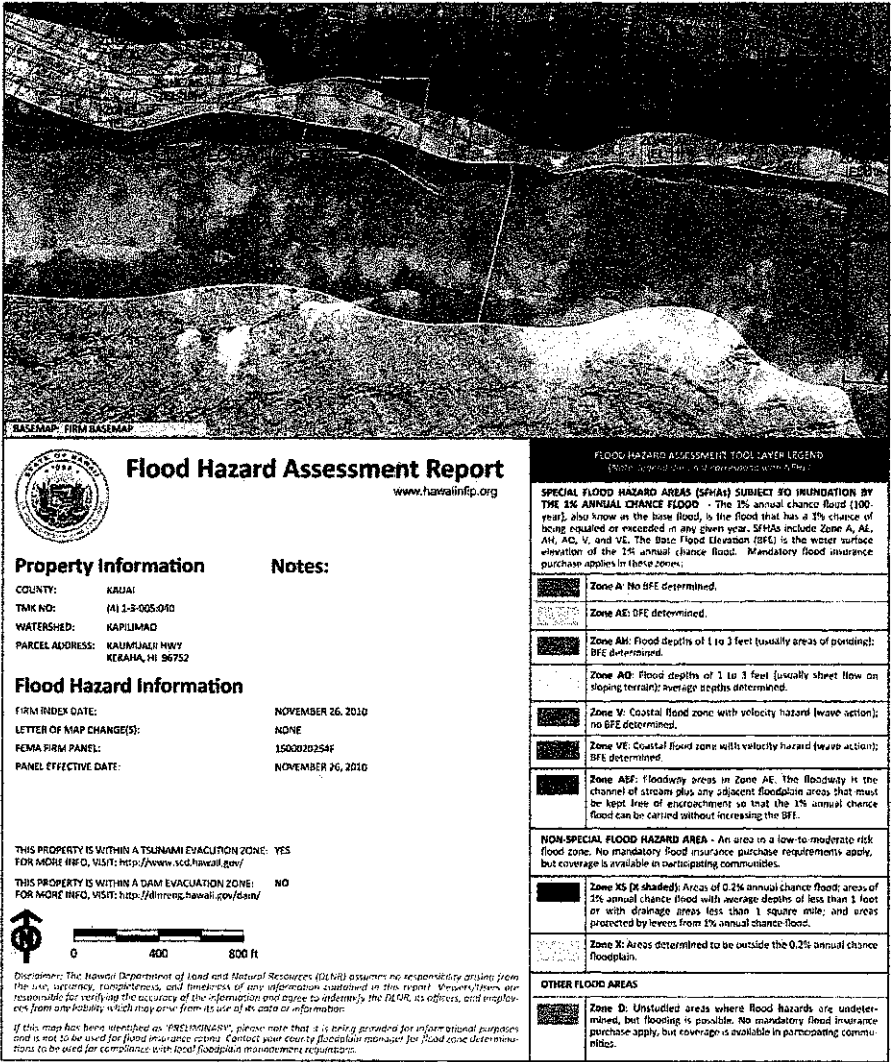
Explain how the proposed structure is in compliance with §8-27.8(c)(2) (attach additional information if necessary):



Māluhia Moana - Kekaha
 TMK: (4)1-3-005: 040

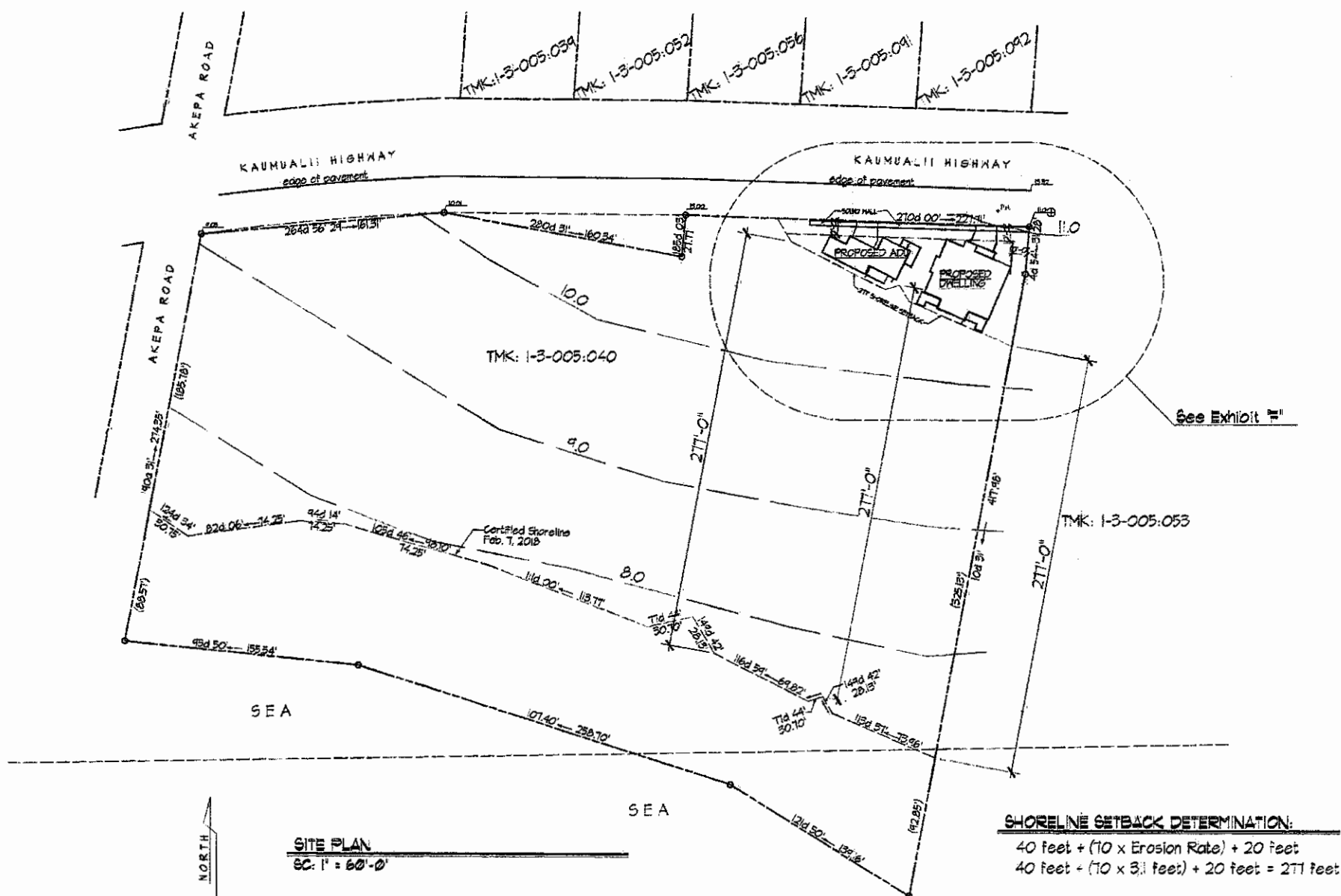
Exhibit "B"





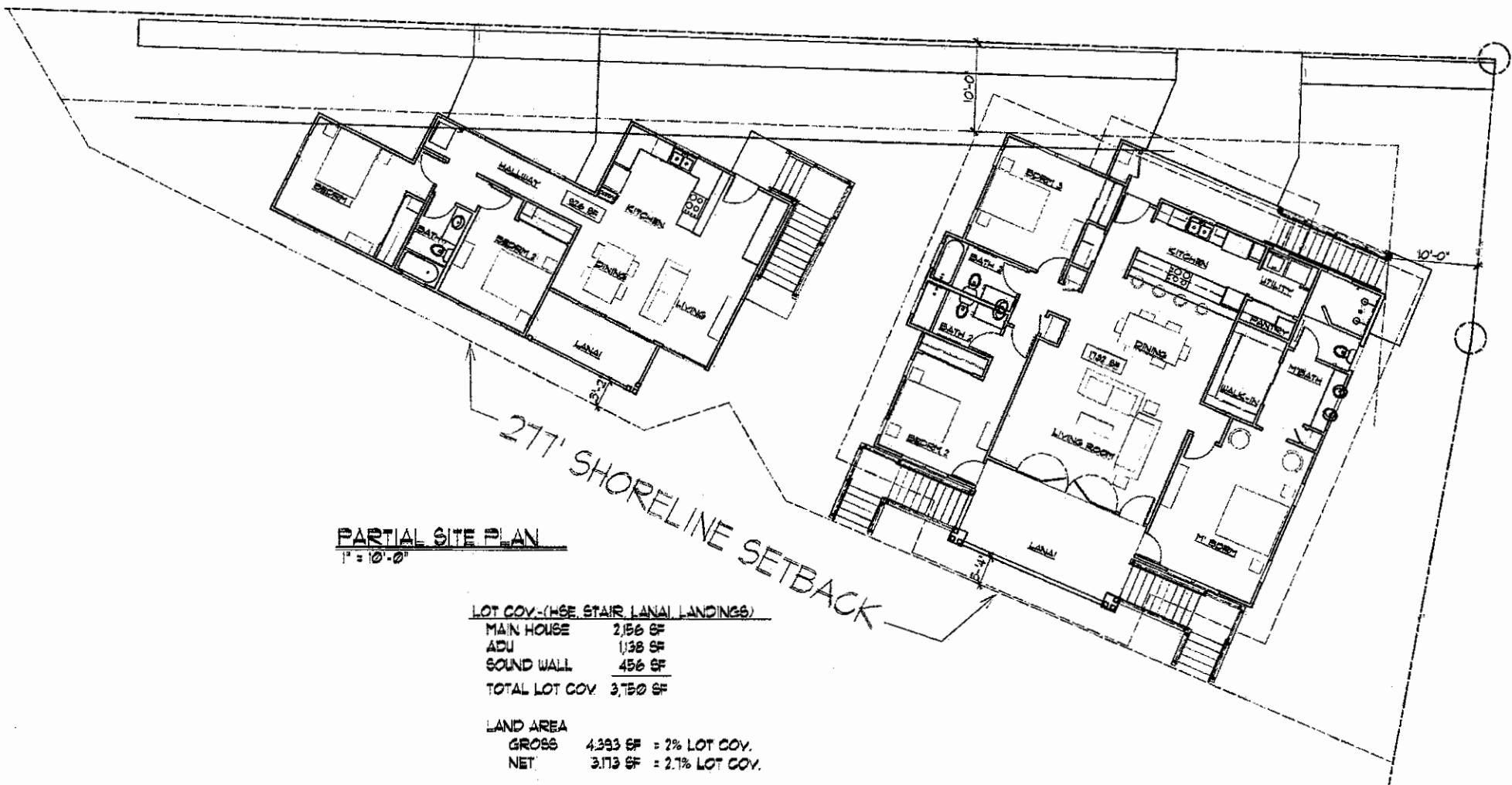
Maluhia Moana-Kekaha
TMK: (4) 1-3-005: 040

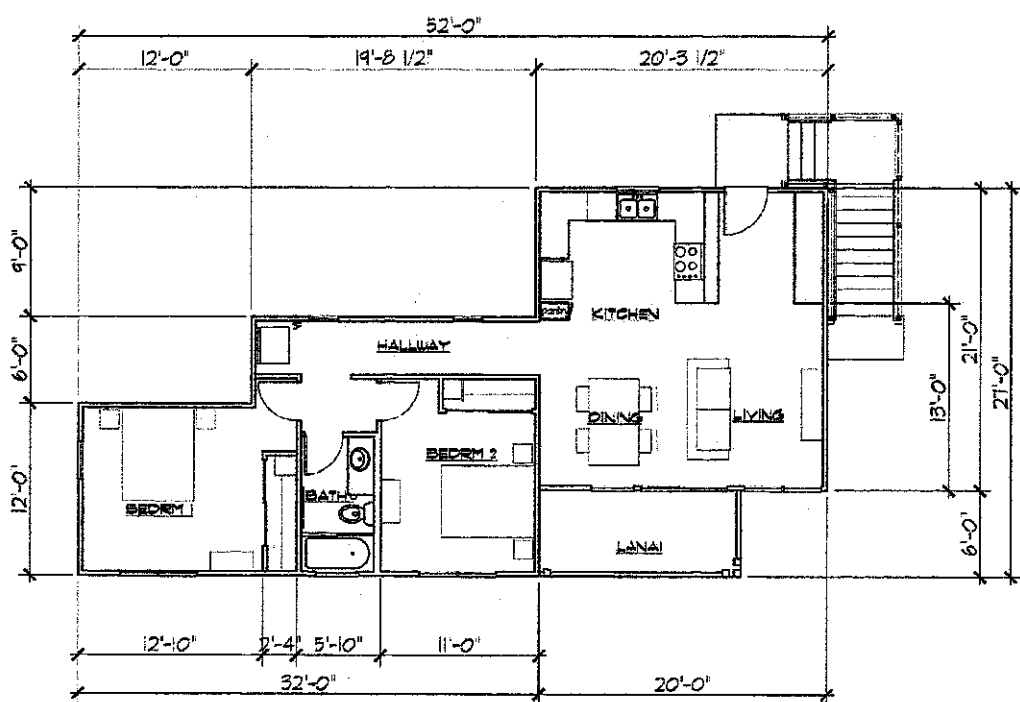
Exhibit "D"



Maluhia Moana-Kekoha
 TMK: (4) 1-3-005: 040

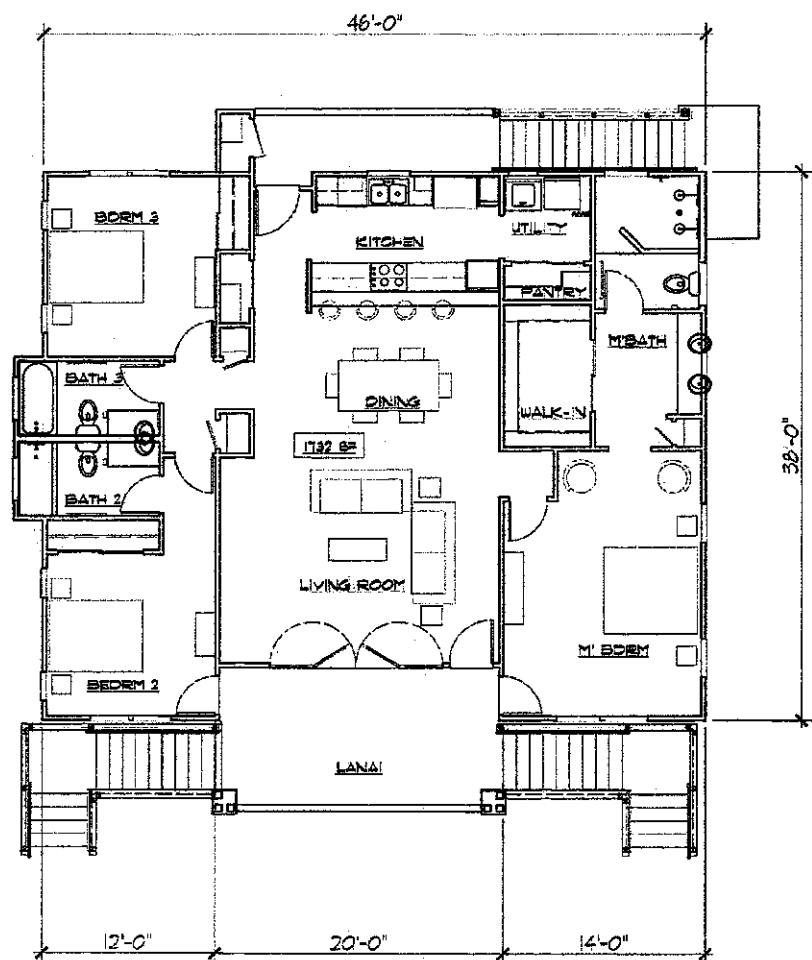
Exhibit "E"





HOUSE 1,010 SF
STAIRS & LANDINGS 128 SF
TOTAL LOT COVERAGE 1,138 SF

ADU HOUSE
SC: 1/8" = 1'-0"

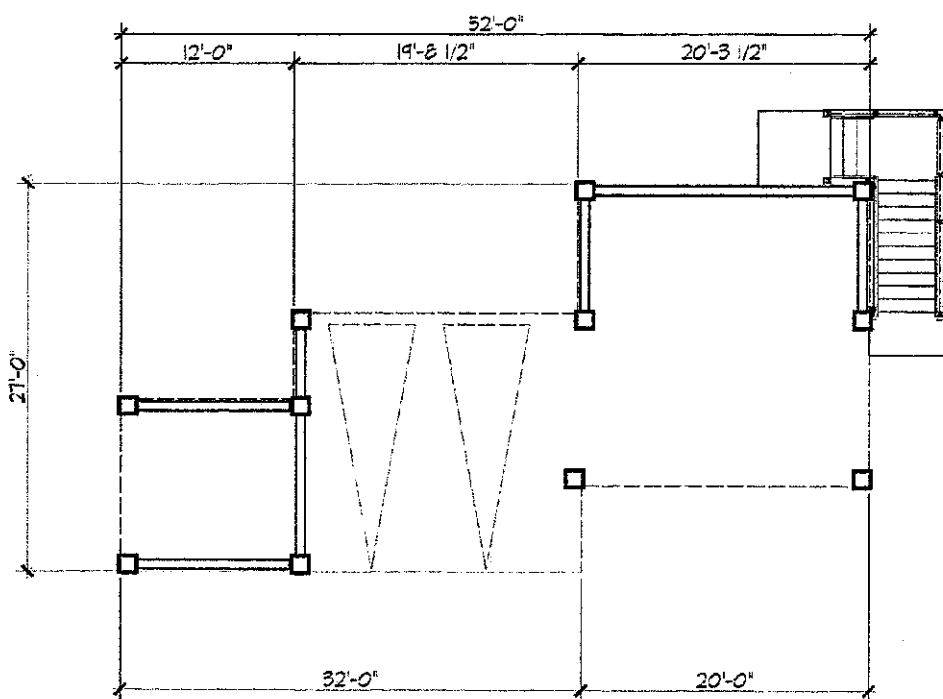


MAIN HOUSE
SC: 1/8" = 1'-0"

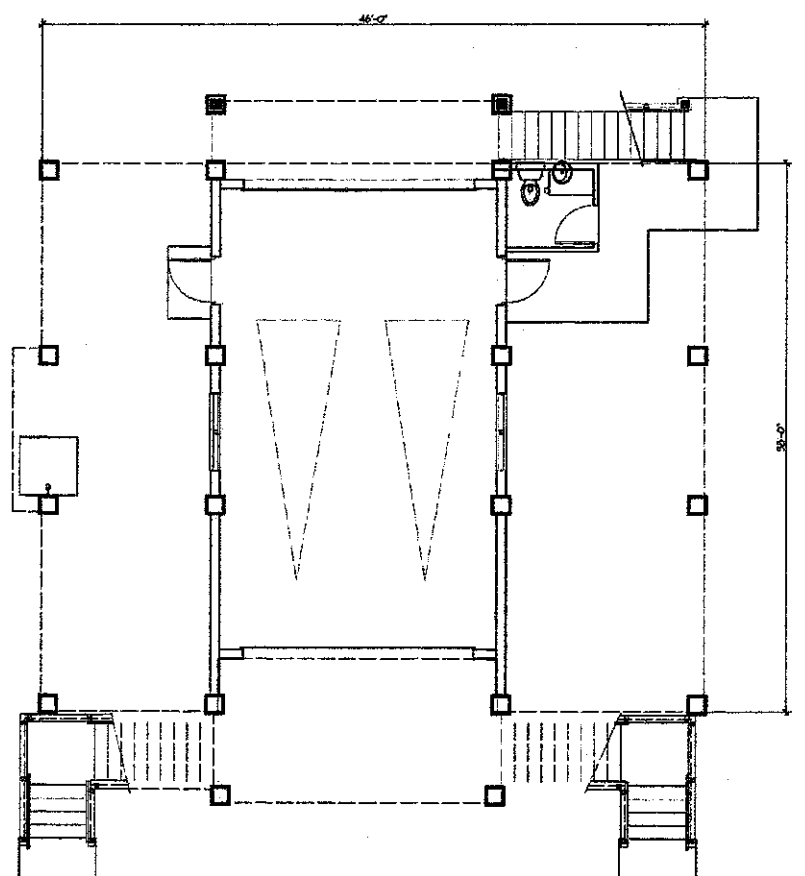
HOUSE 1,998 SF
STAIRS & LANDINGS 258 SF
TOTAL LOT COVERAGE 2,156 SF

Maluhia Moana-Kekaha
TMK: (4) 1-3-005: 040

Exhibit "G"



ADU LOWER FLOOR
SC: 1/8" = 1'-0"



MAIN HOUSE LOWER FLOOR
SC: 1/8" = 1'-0"

Maluhia Moana-Kekaha
TMK: (4)1-3-005: 040

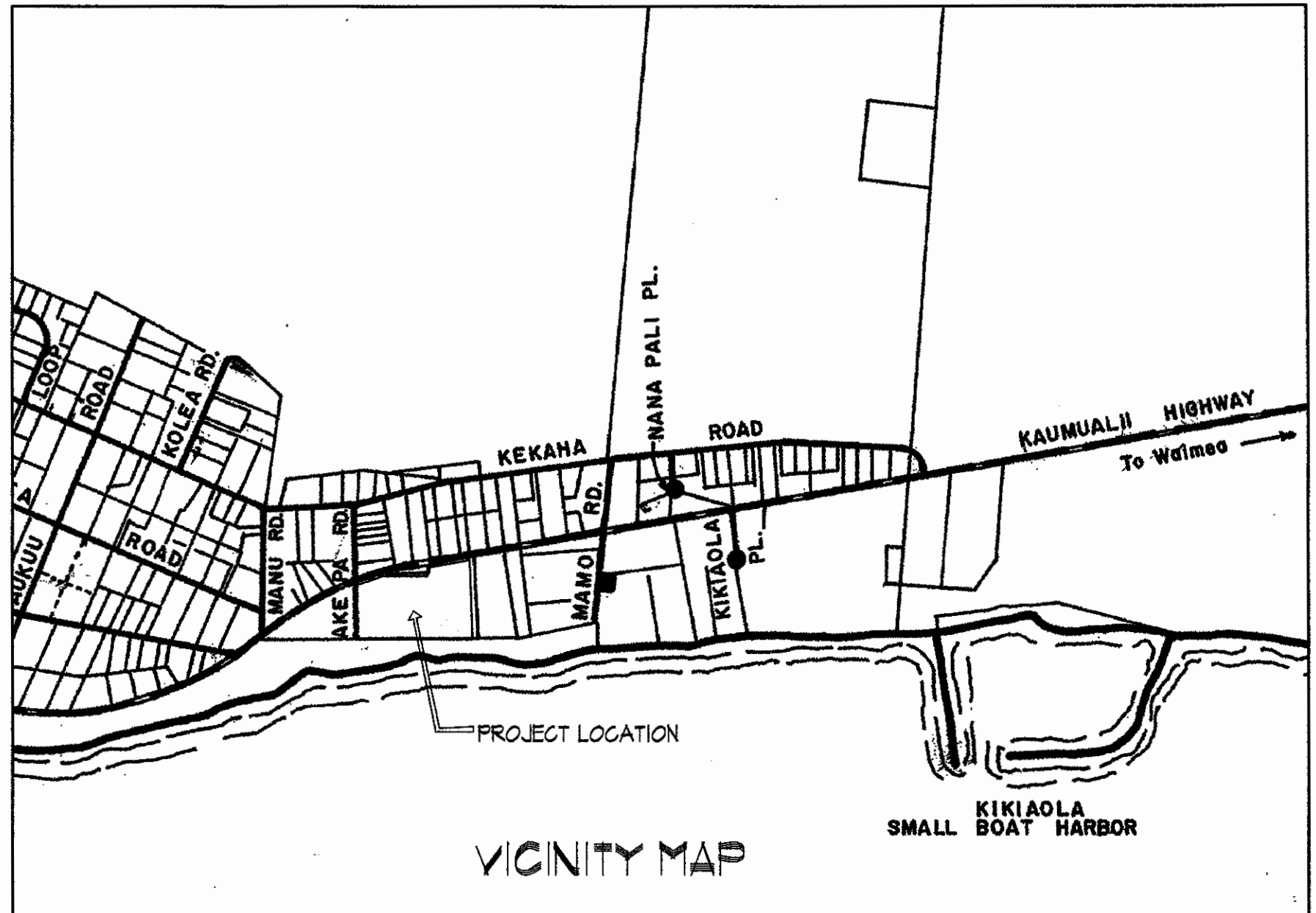
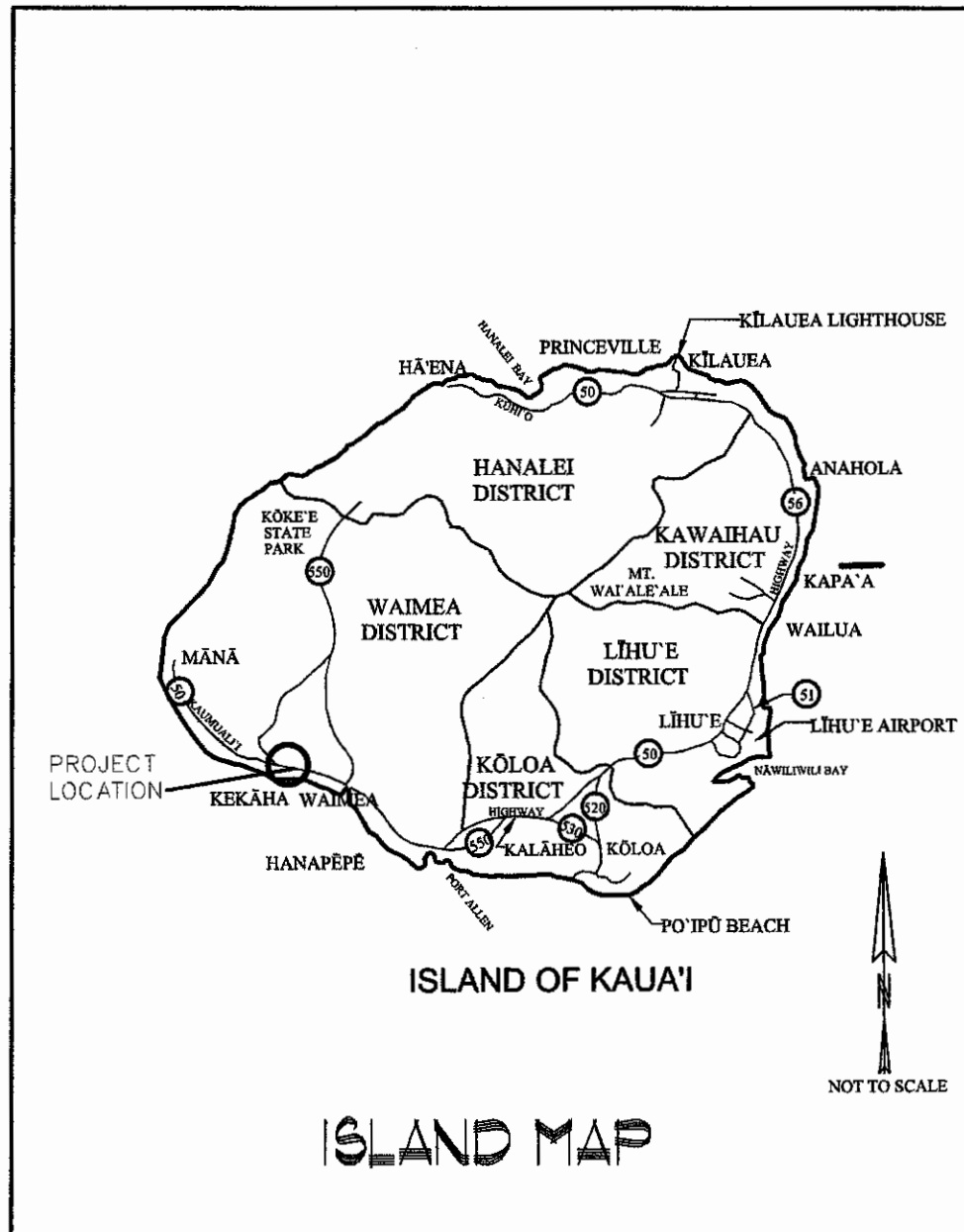
Exhibit "H"

"SHORELINE SETBACK DETERMINATION EXHIBITS "A" - "J"

TMK: (4) 1-3-05:040

for

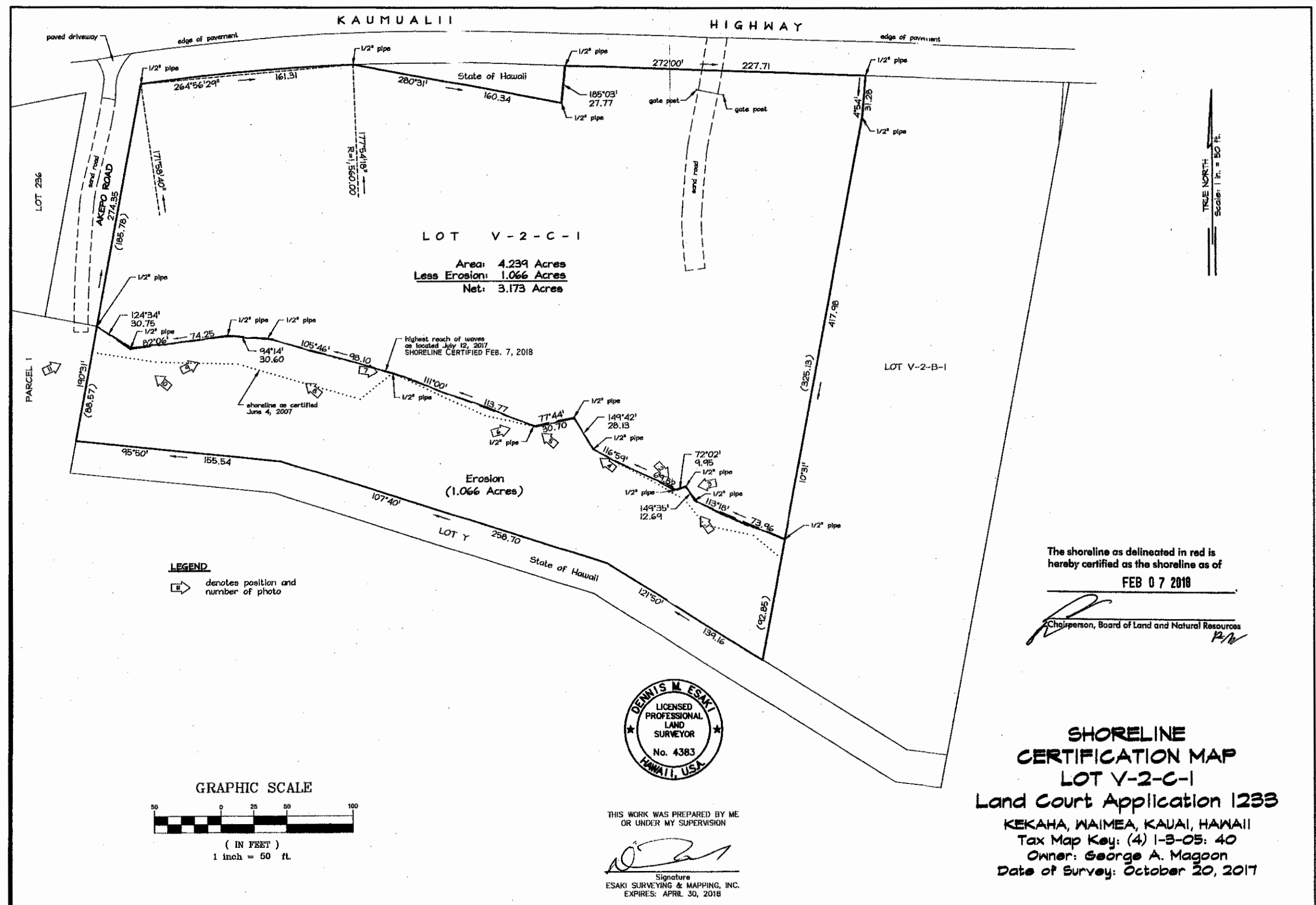
Maluhia Moana LLC,



Maluhia Moana-Kekaha

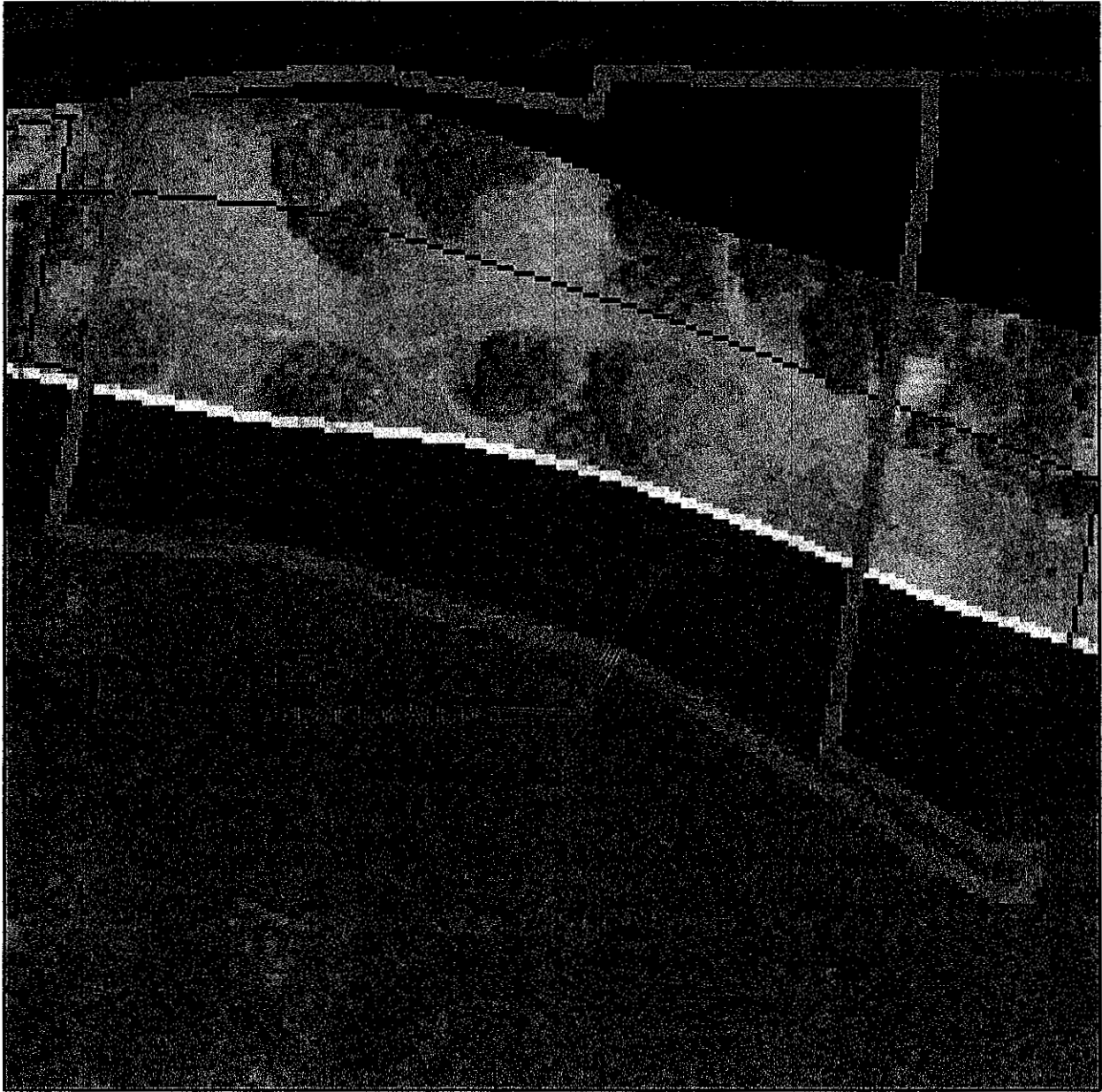
TMK: (4) 1-3-005: 040


Exhibit "A"



Maluhia Moana = Kekaha
TMK: (4) 1-3-005: 040

Exhibit "B"





Flood Hazard Assessment Report

www.hawaiiinfip.org

Property Information

COUNTY: KAUAI
TMK NO: (4) 1-3-005:040
WATERSHED: KAPILIMAO
PARCEL ADDRESS: KAUMUALII HWY
KEKAHA, HI 96752

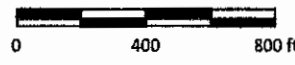

Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
LETTER OF MAP CHANGE(S): NONE
FEMA FIRM PANEL: 1500020254F
PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>











THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

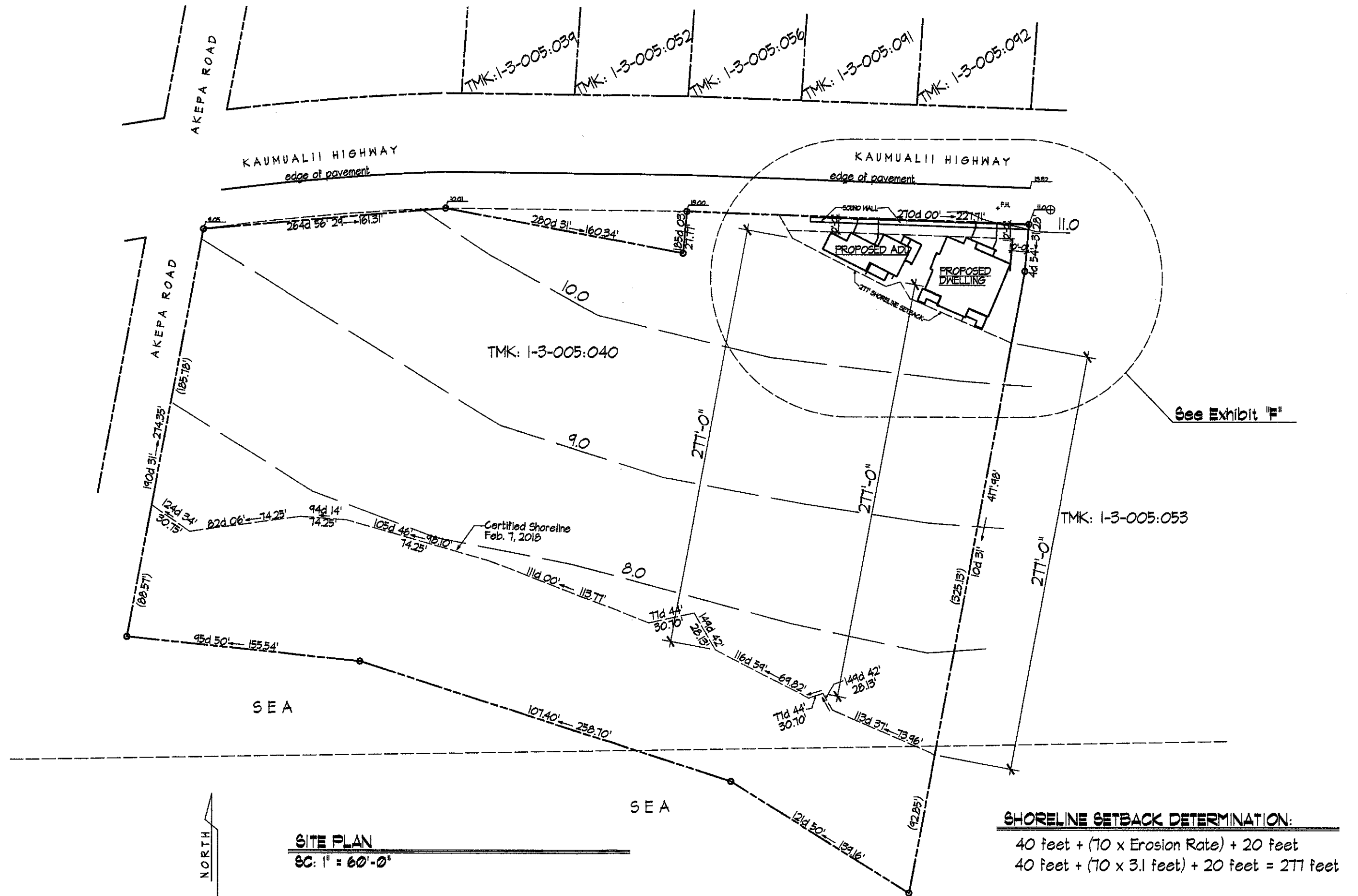
If this map has been identified as "PRELIMINARY", please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND
(Note: legend does not correspond with NFHL)

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.
NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.	
	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.
OTHER FLOOD AREAS	
	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.

Maluhia Moana = Kekaha
TMK: (4) 1-3-005: 040

Exhibit "D"

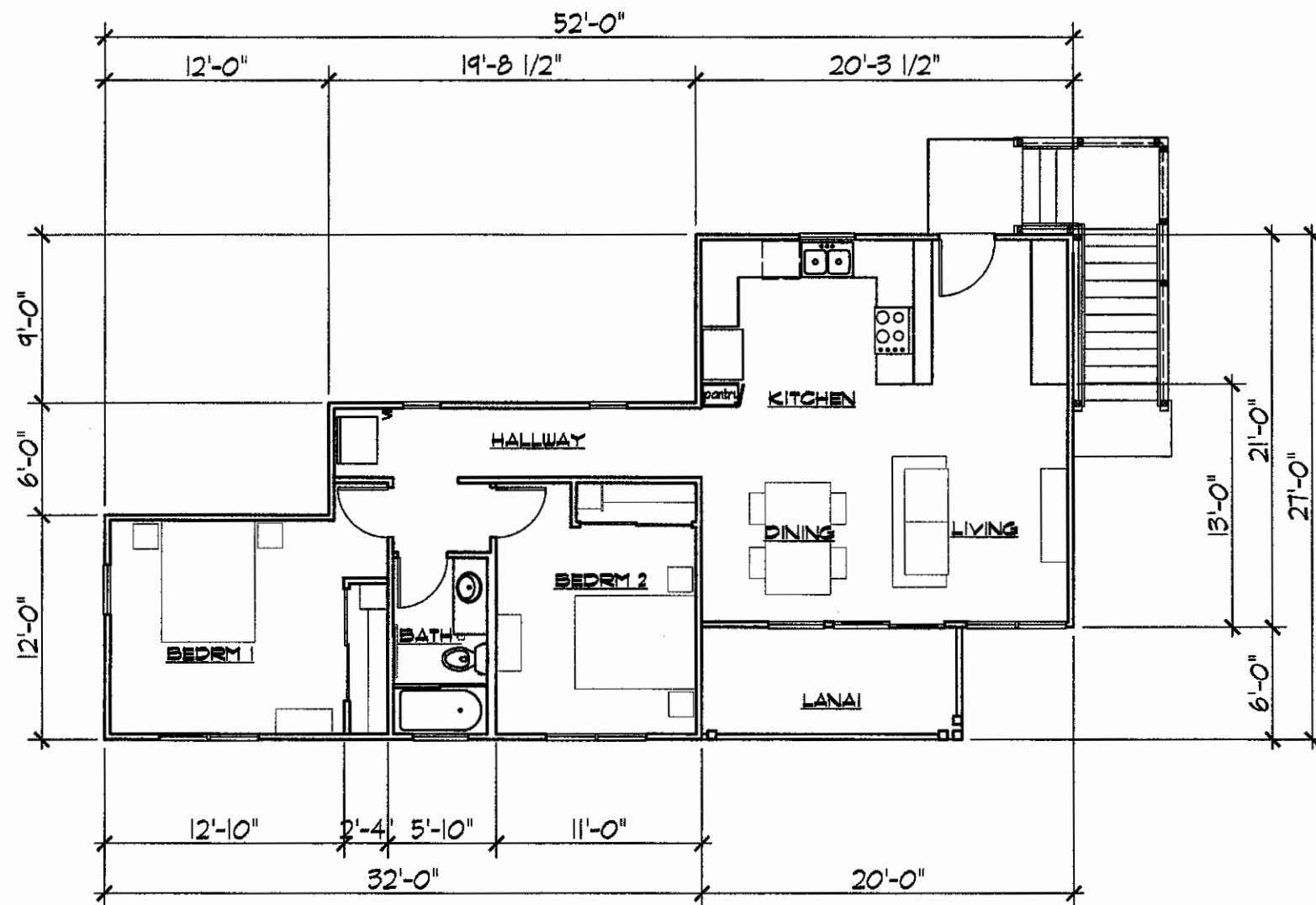


SITE PLAN
 SC: 1" = 60'-0"

SHORELINE SETBACK DETERMINATION:
 40 feet + (70 x Erosion Rate) + 20 feet
 40 feet + (70 x 3.1 feet) + 20 feet = 277 feet

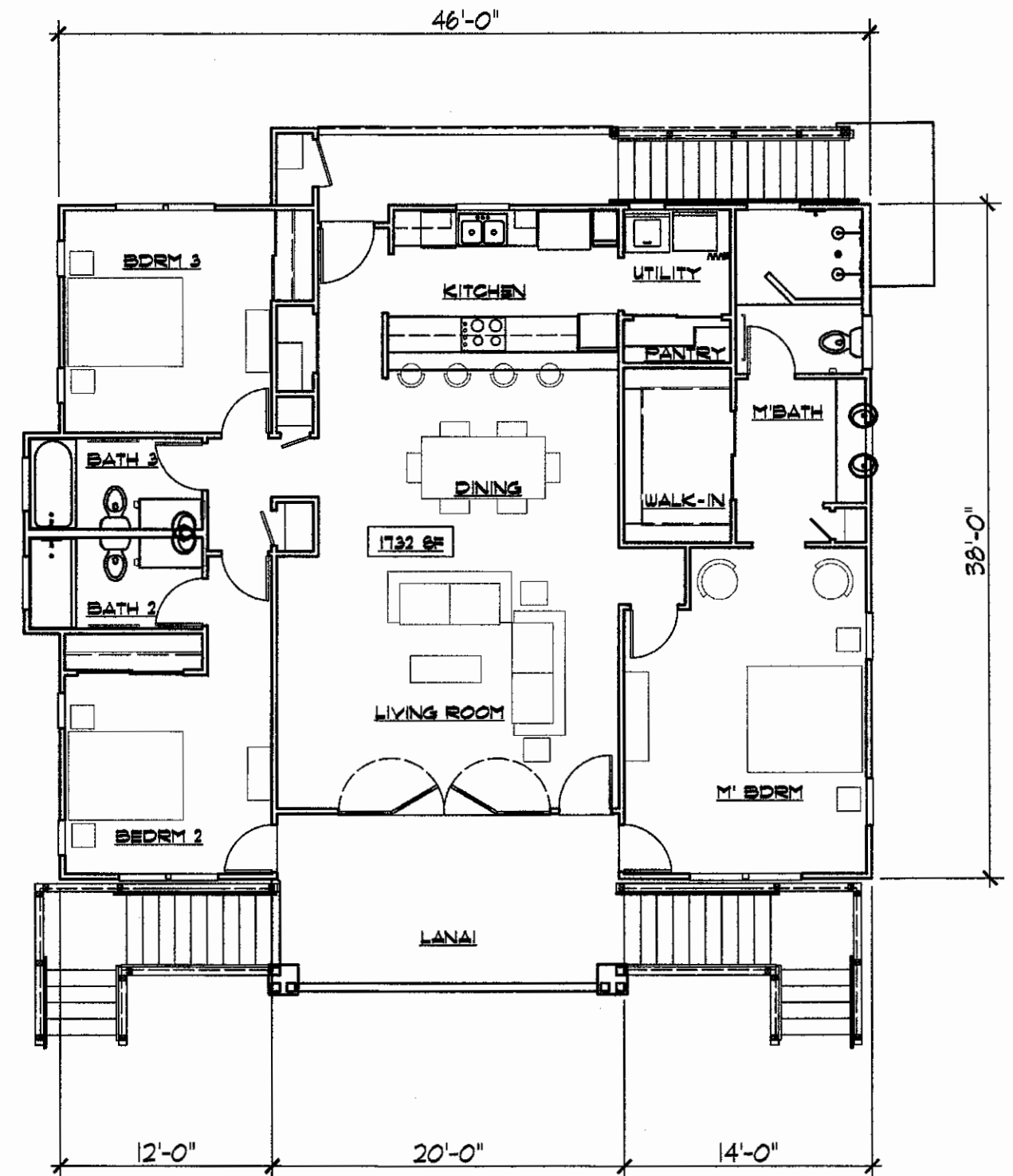
Maluhia Moana-Kekaha
 TMK: (4) 1-3-005: 040

Exhibit "F"



ADU HOUSE
SC: 1/8" = 1'-0"

HOUSE 1,010 SF
STAIRS & LANDINGS 128 SF
TOTAL LOT COVERAGE 1,138 SF



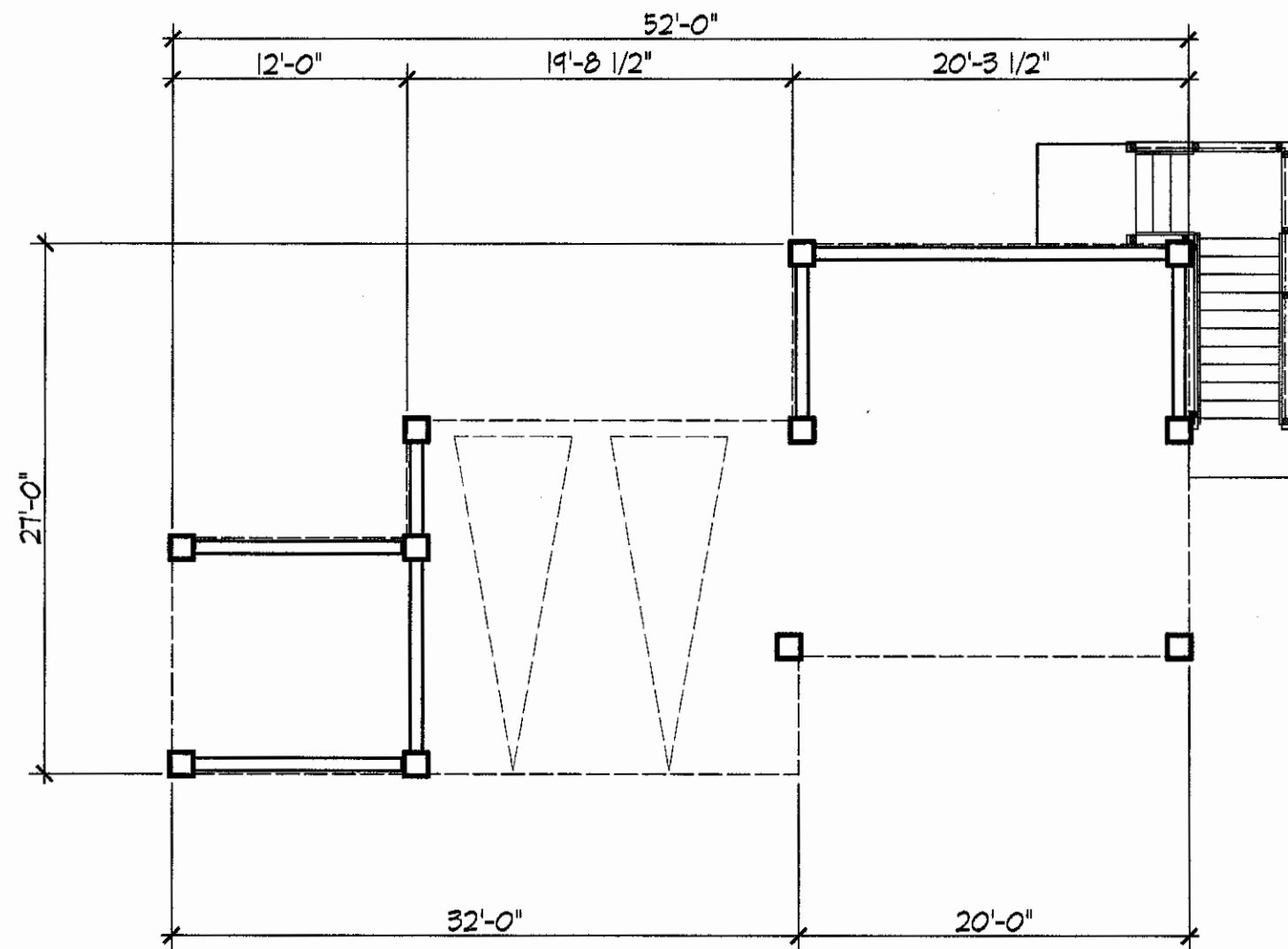
MAIN HOUSE
SC: 1/8" = 1'-0"

HOUSE 1,898 SF
STAIRS & LANDINGS 258 SF
TOTAL LOT COVERAGE 2,156 SF

Maluhia Moana-Kekaha

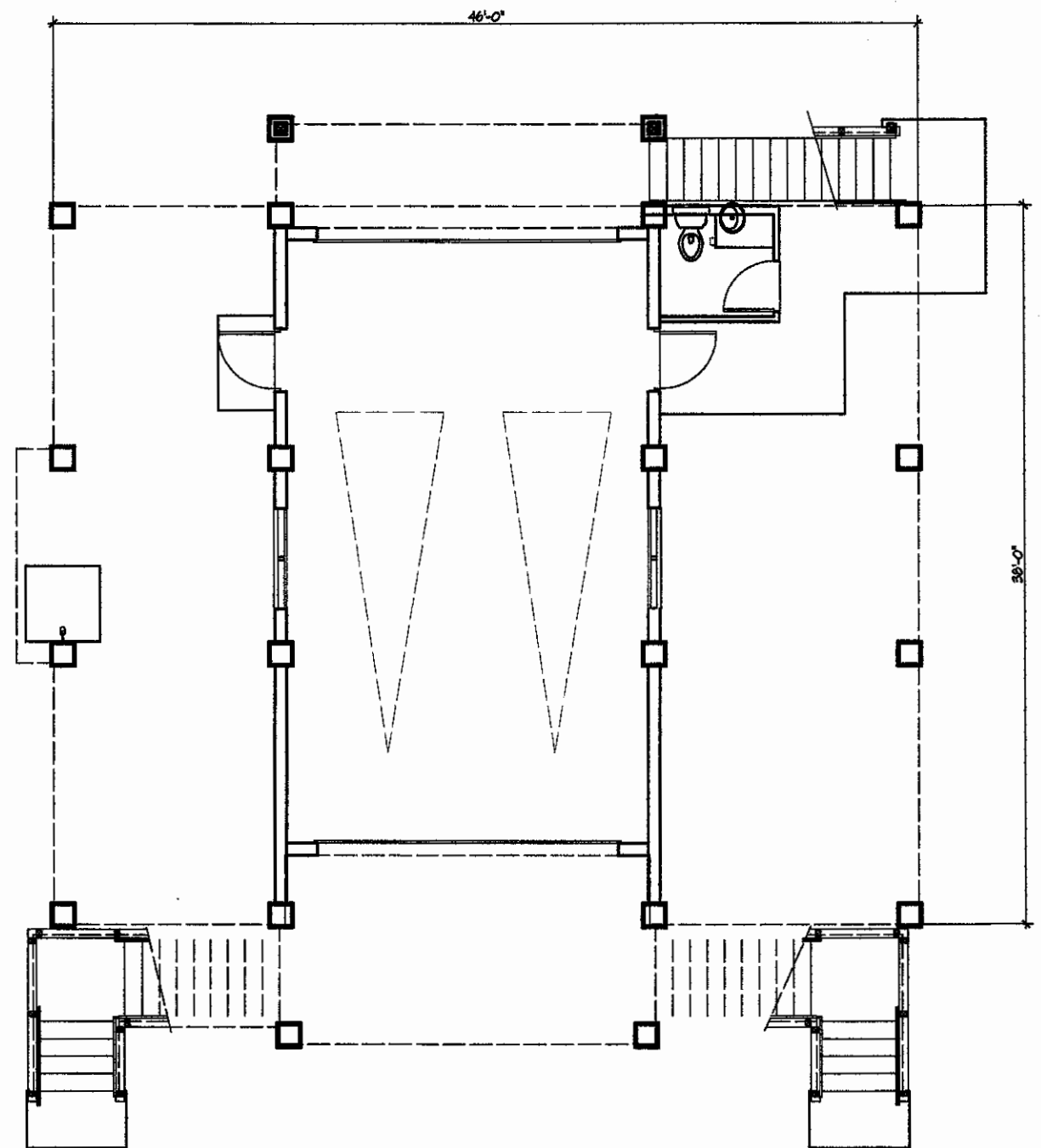
TMK: (4) 1-3-005: 040

Exhibit "G"



ADU LOWER FLOOR

SC: 1/8" = 1'-0"



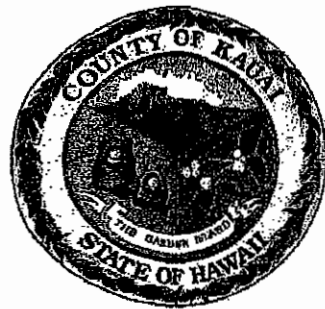
MAIN HOUSE-LOWER FLOOR

SC: 1/8" = 1'-0"

Māluhiā Moāna-Kekāhā

TMK: (4)1-3-005: 040

Exhibit "H"



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY	
SSD 201	8-51
Acceptance Date:	5.15.18
Website Posting Date:	5.15.18
Determination Date:	8.16.18
Planning Commission Date:	9.22.18
Expiration Date:	9.22.21
Planner Assigned:	JB

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Timothy Bradley for Roger & Sharyl Chaz
Mailing Address:	P.O. Box 797 Kapea, HI 96746
Phone:	821-9727
Email:	bradley5391@twc.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	5/15/18

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Aa. & OPRH
Tax Map Key(s):	(A) 4-7-007: 005
Land Area:	6.777 Acres
Nature of Development: (Description of proposed structure or subdivision)	

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Property is Not Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 310 ft.
- Additional Information:
☐ Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
☒ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

COUNTY MULTIPURPOSE PATH



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
SLOPED NEAR SHORELINE, ELEV. 28 TO ELEV. 30 IN FIRST 200'
ELEV. 105 AT ROAD

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
ROCKY SHORELINE, SHOREWARD OF KAHUA MULTIPURPOSE PATH

☐ Artificially armored Shoreline
☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
☐ Is the armoring permitted/authorized? _____
☐ Date of authorization (attach copy of authorization letter): _____

☐ Is property in coastal floodplain (if checked, what zone)? NO
☒ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
PROPERTY IS SUBJECT TO LAND BASED DRAINAGE

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Timothy M. Bradley 5/14/13
Signature Date

Applicability (to be completed by Planning Department)

☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

[Signature] 5-15-13
Planning Director or designee Date

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application

Part B

- ☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☒ Building Permit Number (If building plans submitted) 17-2013



PLANNING DEPARTMENT
SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

- yes (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- yes (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- yes (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

certified shoreline not done

☒ Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- N/A (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

- ☐ Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

- ☒ Pursuant to §8-27.3 the Kauai County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kauai County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

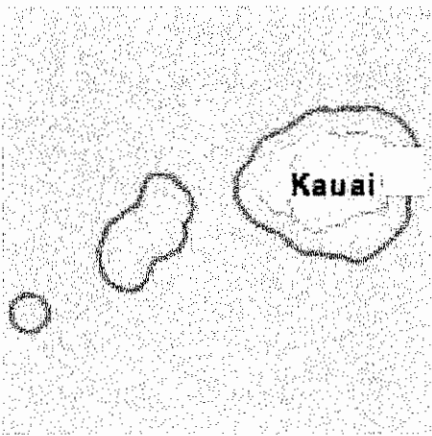
Date

- ☐ Additional comments/conditions:

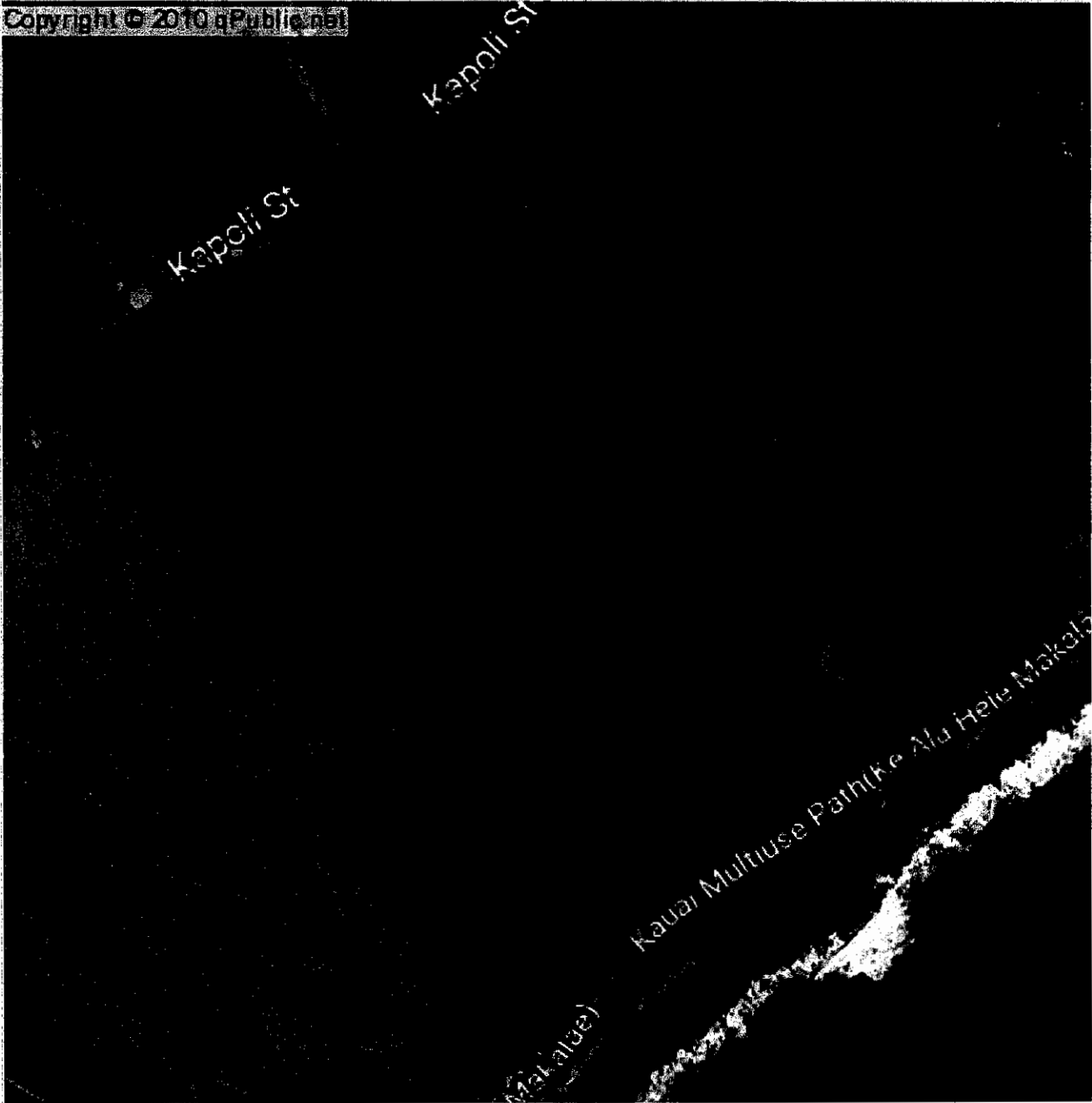
controls

Available Layers

- ☒ Parcels
- ☐ Parcel Numbers
- ☐ Address #
- ☐ Yearly Sales
- ☐ Buildings
- ☐ Streets (Google)
- ☐ Satellite (Google)
- ☒ Hybrid (Google)
- ☐ Physical (Google)



Show Scale



AREA DESCRIPTION

The Donkey Beach study area (transects 52 - 111) is located on the east coast of Kauai. The area is bounded by Pohakuloa Point to the north and the remnants of Kealia Landing to the south. The shoreline is composed of carbonate sand, and basalt rock headlands.

Overall, the area is experiencing erosion at an average rate of -0.4 ft/yr. The shoreline lands itself to division into five pocket beaches. The northern beach (transects 52 - 64) is eroding at an average rate of -0.5 ft/yr. South of Anapalau Point (transects 66 - 81) the beach has experienced erosion at an average rate of -0.4 ft/yr. The next beach (transect 82) has experienced erosion at -0.2 ft/yr. Donkey Beach (transects 84 - 109) is a large pocket beach with a steep foreshore. This area has experienced erosion at an average rate of -0.4 ft/yr. South of Paliku Point (transects 110 - 111) is a small pocket beach that is experiencing erosion at an average rate of -0.5 ft/yr. Previous studies¹ did not analyze Donkey Beach study area shoreline.

¹ Melai Ocean Engineering and Sea Engineering, 1991 Aerial Photograph Analysis of Coastal Erosion on the Islands of Kauai, Molokai, Lanai, Maui, and Hawaii. State of Hawaii Office of Coastal Zone Management Program.

HISTORICAL SHORELINES

- 1927 T-sheet
- Nov 1950
- Apr 1975
- Jul 1987
- May 1988
- May 1992
- Sept 2000
- Oct 2007

Erosion rate measurement locations (shore-normal transects)

Historical beach positions, color coded by year, are determined using orthorectified and georeferenced aerial photographs and National Ocean Survey (NOS) topographic survey charts. The low water mark is used as the historical shoreline, or shoreline change reference feature (SCRF).

Movement of the SCRF along shore-normal transects (spaced every 66 ft) is used to calculate erosion rates.

SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

Historical shoreline positions are measured every 66 ft along the shoreline. These sites are denoted by yellow shore-perpendicular transects. Changes in the position of the shorelines through time are used to calculate shoreline change rates (ft/yr) at each transect location.

Annual shoreline change rates are shown on the shore-parallel graph. Red bars on the graph indicate a trend of beach erosion, while blue bars indicate a trend of accretion. Approximately every fifth transect and bar of the graph is numbered. Where necessary, transects have been purposely deleted to maintain consistent alongshore spacing. As a result transect numbering is not consecutive everywhere. The rates are smoothed alongshore using a 1-3-5-3-1 technique to normalize rate differences on adjacent transects.

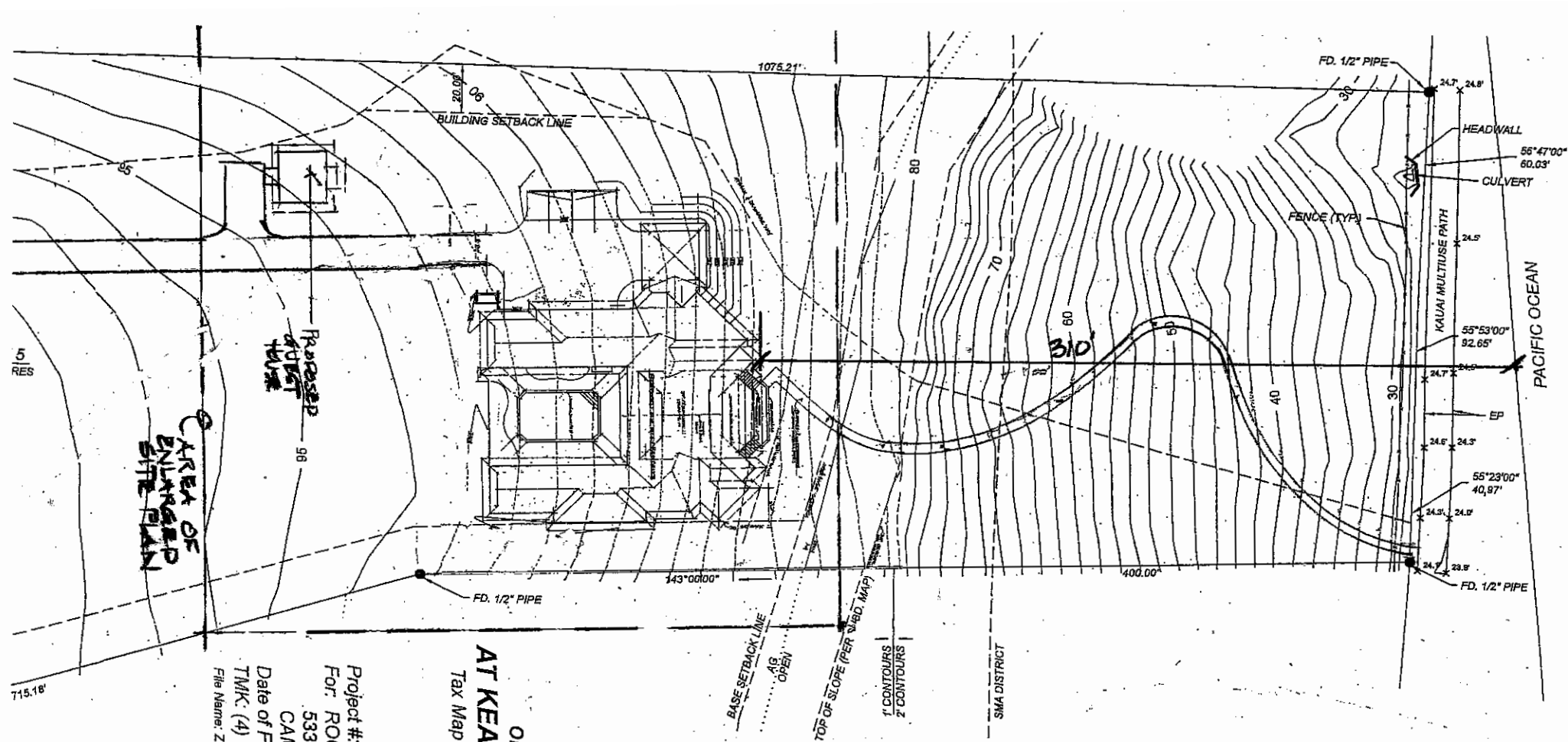
Shoreline Change Rate (ft/yr)

Shoreline Change Rate (ft/yr)

Shoreline Change Rates (ft/yr)

Kauai

Donkey Beach



**MAP SHOWING
TOPOGRAPHY
ON LOT 5 OF KEALIA KAI SUBDIVISION
AT KEALIA, KAWAIIHAU, KAUAI, HAWAII**

Tax Map Key: (4th Division) 4-7-007: Parcel 007



Project #: 16-048-001
For: ROGER & SHARYL CRAIG
533 VISTA DEL CAMPO
CAMARILLO, CA 93010
Date of Field Survey: SEPTEMBER 15, 2016
TMK: (4) 4-7-007: Parcel 5
File Name: Z:\2016\CRAIG, ROGER & SHARYL\KEALIA KAI LOT 5 TOPO.DWG

