

**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD	2020 - 5
Acceptance Date:	8.22.19
Website Posting Date:	8.26.19
Determination Date:	8.22.19
Planning Commission Date:	9.10.19
Expiration Date:	9.10.22
Planner Assigned:	RJ/LV

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.

I CLOUD

Applicant Information	
Applicant:	ROBERT KUTKOWSKI
Mailing Address:	P.O. BOX 594 KILAUEA HI, 96754
Phone:	639 8415
Email:	B.KUTKOWSKI@ICLOUD.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 checked="" 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:	Op1
Tax Map Key(s):	(4) 5-3-06.25
Land Area:	20,219 SQ FT
Nature of Development: (Description of proposed structure or subdivision)	CARPORT, STORAGE EQUIPMENT BUILDING

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

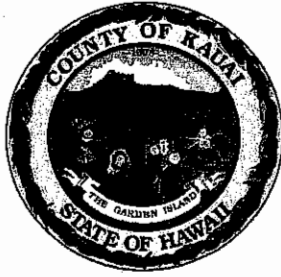
Part A

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: 280 FT
- Properties Not Abutting the Shoreline
 - Project's approximate distance from shoreline: 280 FT
- Additional Information:
 - Closest distance of improvement(s) from Shoreline is approximately 280 ft.
 - Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

NO OTHER PARCELS JUST MY HOME



**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD 201__ - __	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

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

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 in the past? (If checked, please describe)

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 Kaua'i 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

Robert Kutkowski

2-6-19

Signature

Date

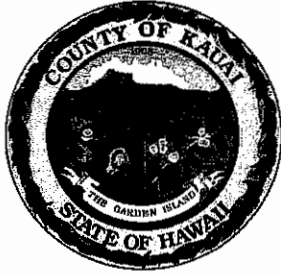
Applicability (to be completed by Planning Department)

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

Planning Director or designee

8-22-19

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

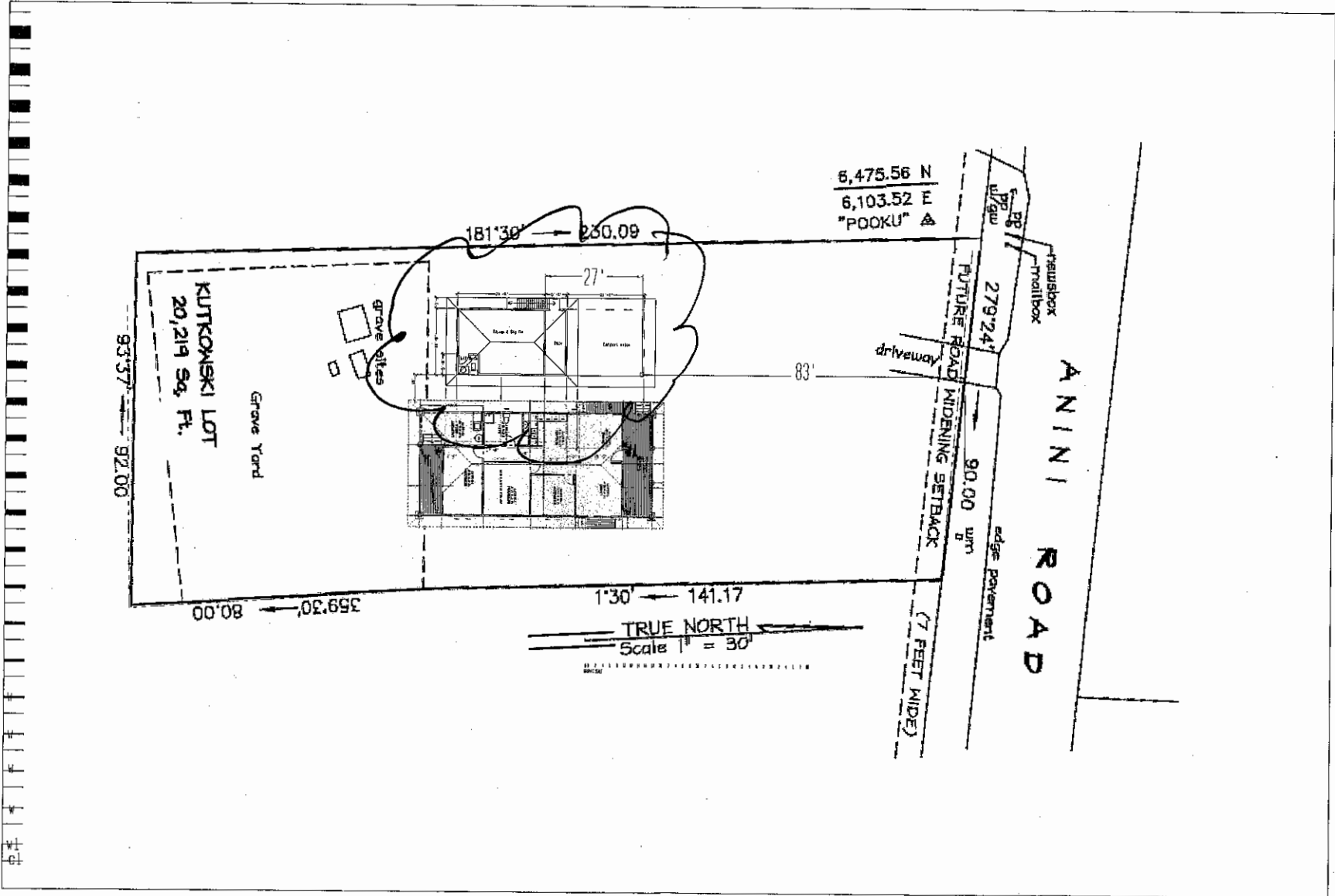
Exemption Determination (to be completed by Planning Department)

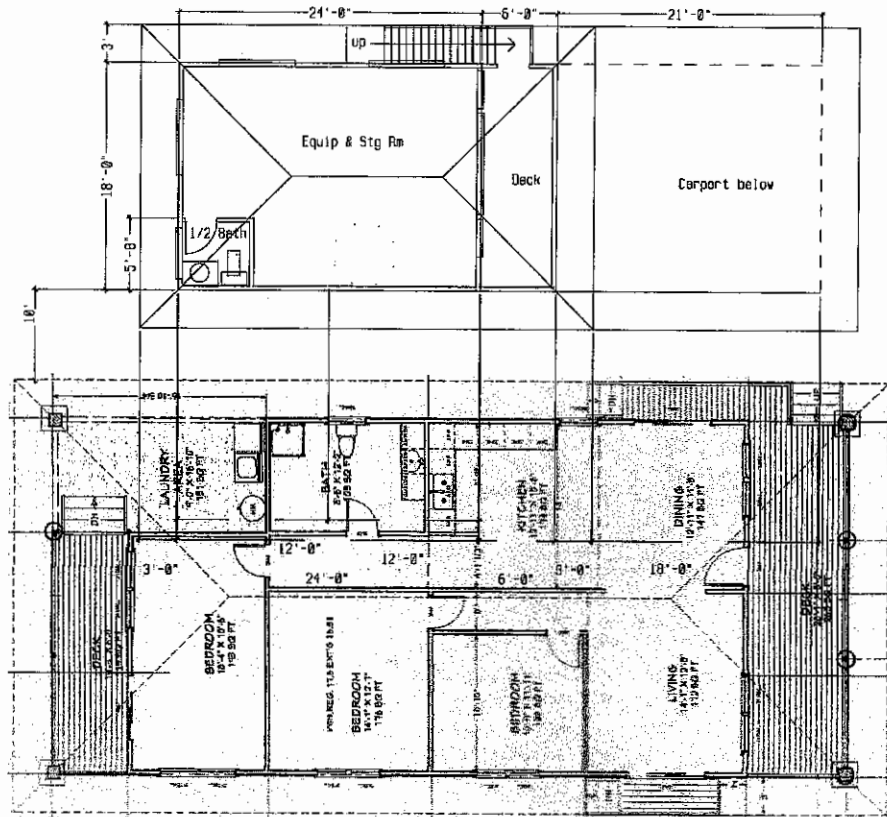
Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8

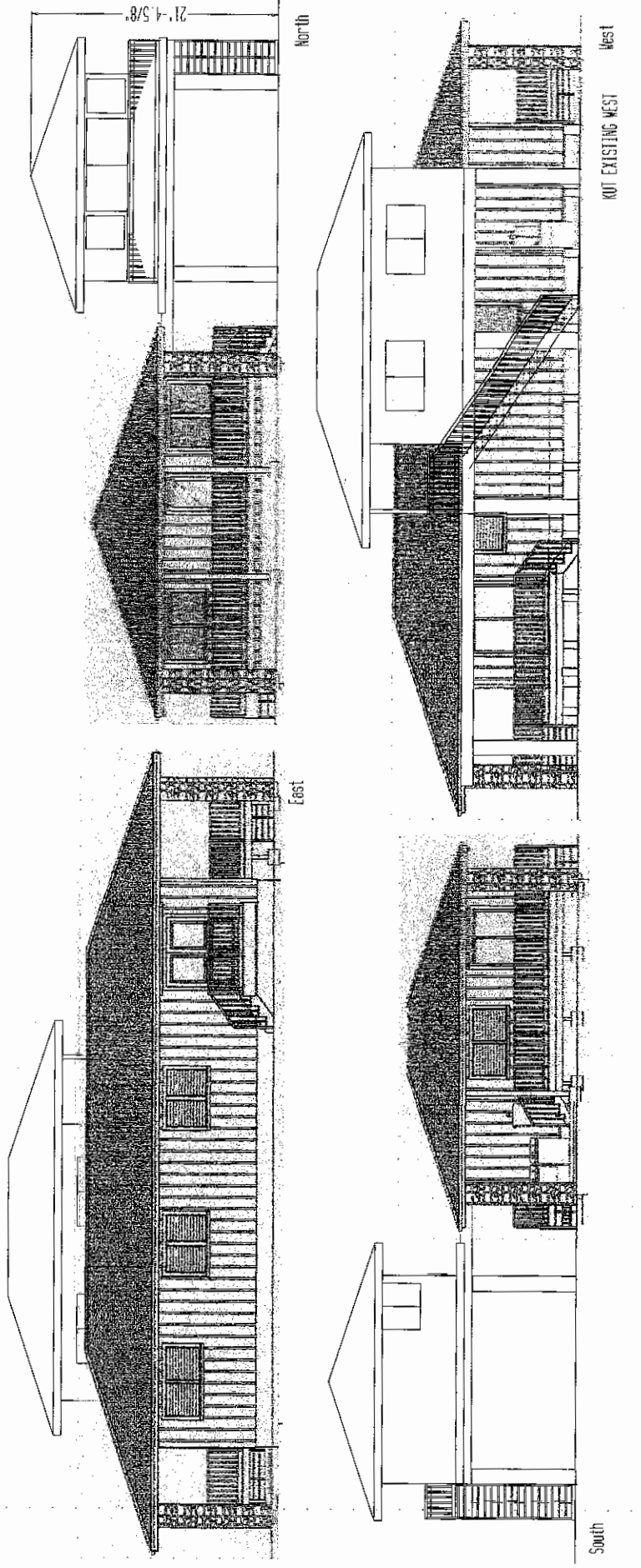
Planning Director or designee

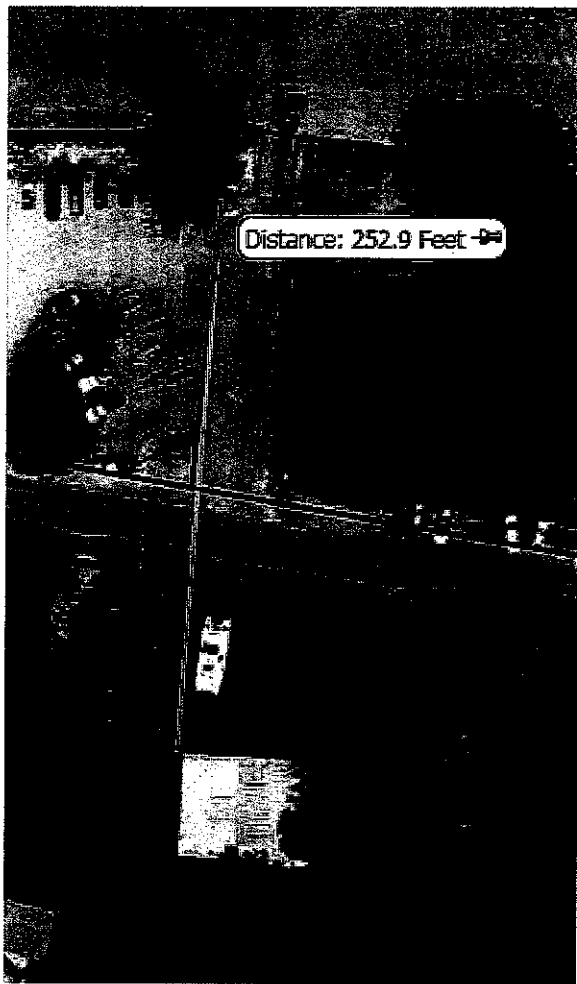
Date

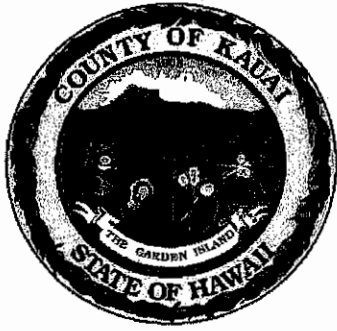
8.22.19











**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD 202	0 - 0
Acceptance Date:	8.22.19
Website Posting Date:	8.26.19
Determination Date:	8.27.19
Planning Commission Date:	9.10.19
Expiration Date:	9.10.20
Planner Assigned:	JL/PL

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:	WALTER JANN LOUIE
Mailing Address:	4511 HAUAAALA RD KAPPA HI 96746
Phone:	808-378-4415
Email:	WLOUIE@ME.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: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R-10
Tax Map Key(s):	(A) 4-5-13-020
Land Area:	5,570 SF
Nature of Development: (Description of proposed structure or subdivision)	CONSTRUCT 6(SIX) FOOT HIGH ROCK WALL FRONTING HAUAAALA RD ON THE LEFT AND RIGHT SIDE OF EXISTING DRIVEWAY.

**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): 280 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:

KUHIO HIGHWAY, MULTI-USE PATH ARE BETWEEN SHORELINE AND PARCEL.
NO OTHER STRUCTURES.



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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

[Empty box for topography information]

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

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?

[Empty box for coastal hazards information]

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

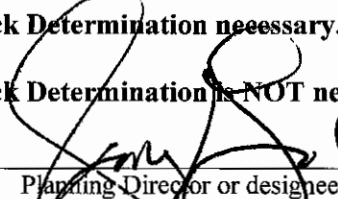

Signature

16 AUG 19
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.


Planning Director or designee

8.22.19
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)

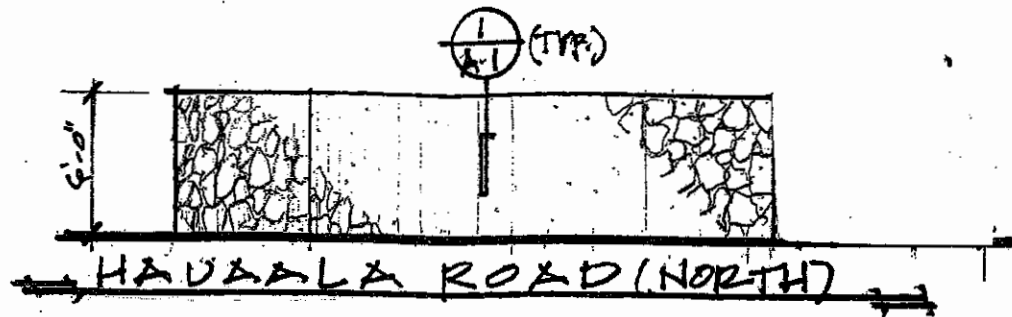
Planning Director or designee

8.22.19

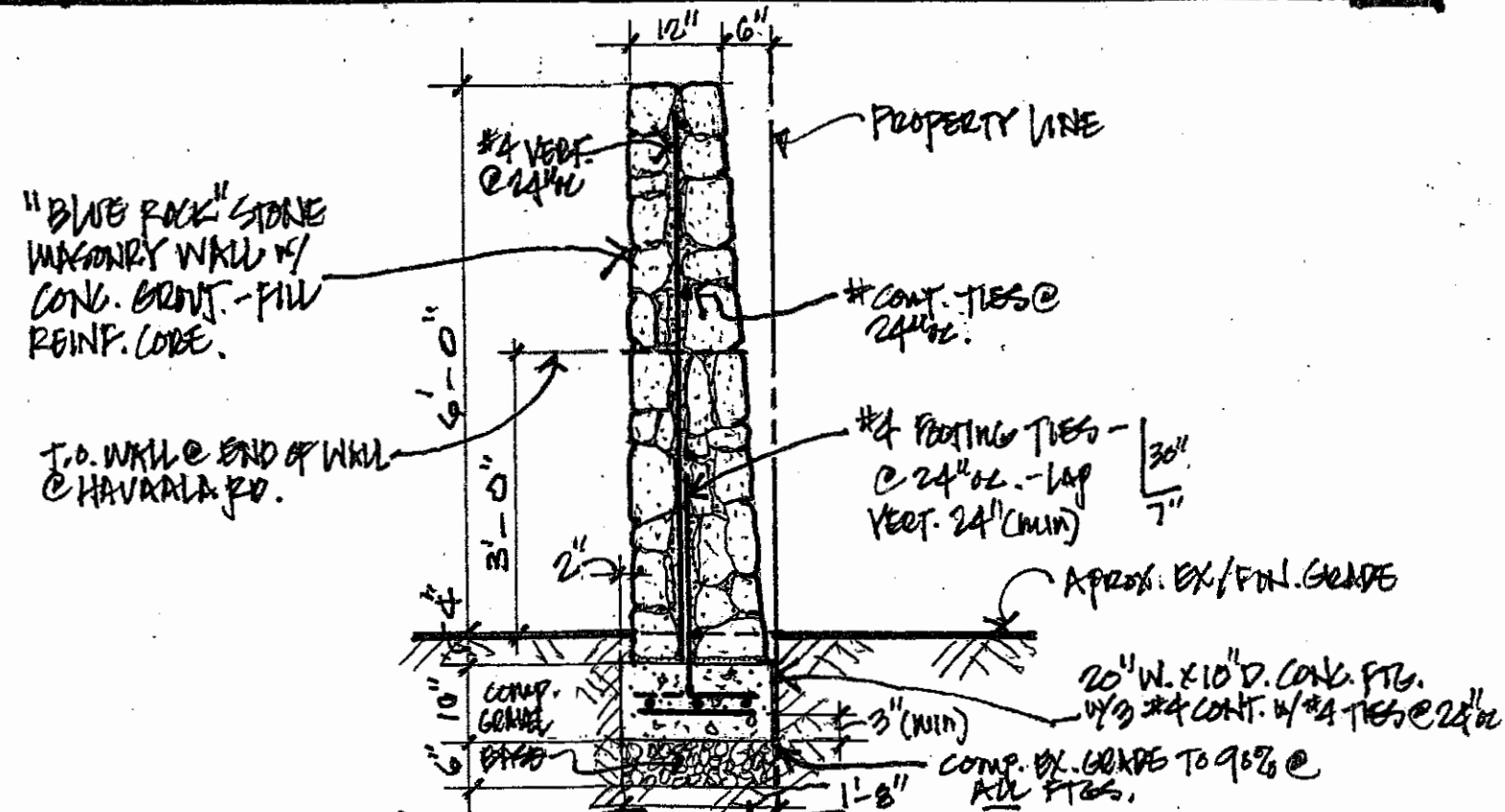
Date

Additional comments/conditions:

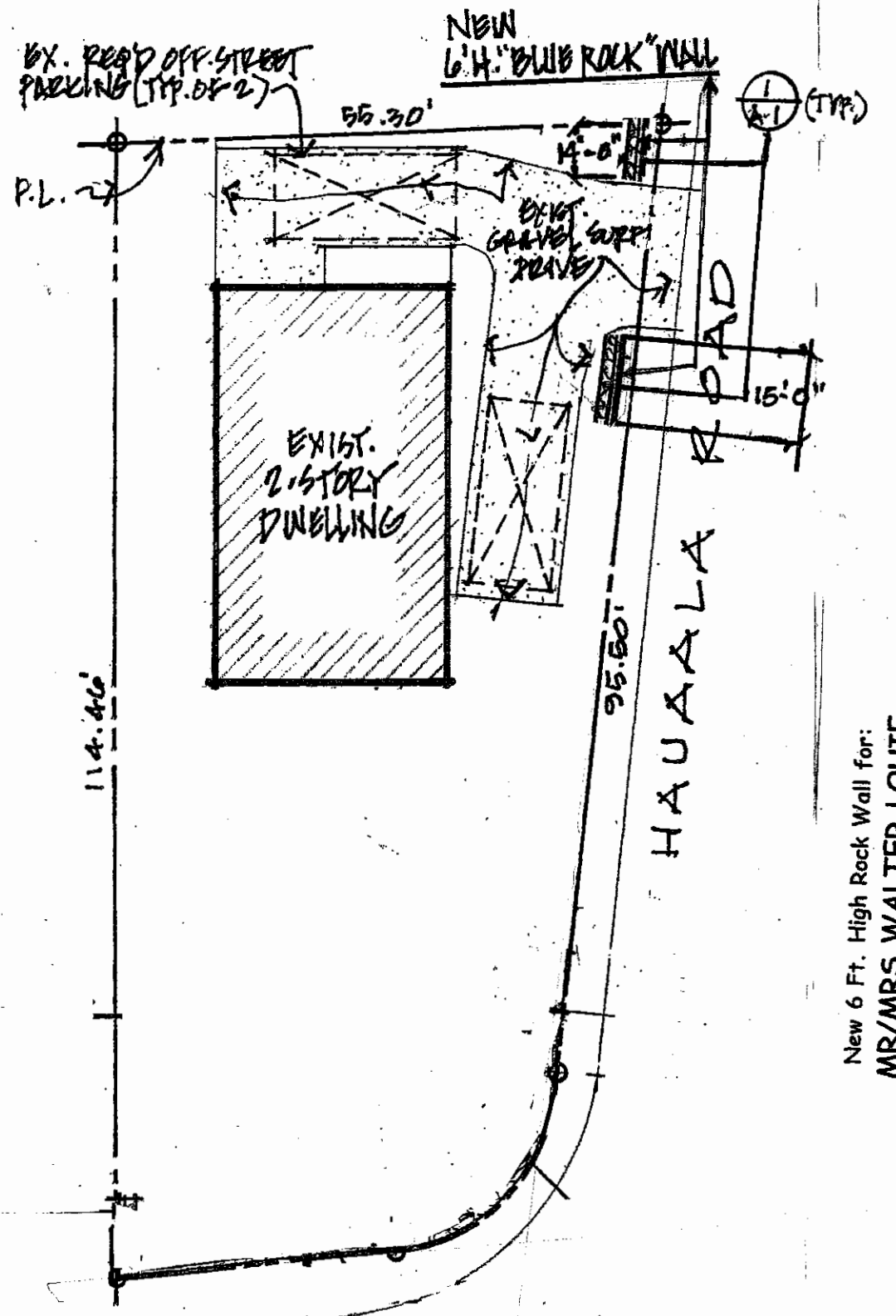




ELEVATIONS (@ PROP. LINE) 1/8" = 1'-0"

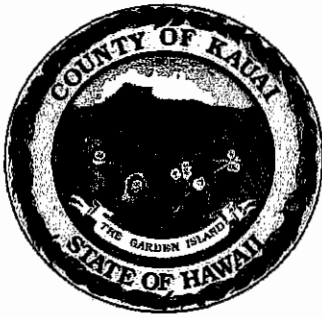


WALL DETAIL 1/8" = 1'-0"



SITE/PLOT PLAN 1/8" = 1'-0"

New 6 Ft. High Rock Wall for:
MR/MRS WALTER LOUIE
 4511 Havaala Road
 Kapala, Kaula, Hawaii
 TMK: (4) 4-5-13: 020



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Expiration Date:	9/10/20
Planner Assigned:	JL/R

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: Steven Rodger	
Mailing Address: PO BOX 1245 HANALEI, HI 96714	Phone: 808-200-6910 Email: jollyr13@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: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>Open</u>	Tax Map Key(s): <u>5-8-012-010</u>
	Land Area: <u>1.58 Acres</u>
Nature of Development: (Description of proposed structure or subdivision)	roof repair / replacement + extension

**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.

1. Property is Abutting the Shoreline
 Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
2. Property is Not Abutting the Shoreline
 Proposed project's approximate distance from shoreline (based on aerial map): 200 ft. Approx. 95' *JR*
3. Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: -0.4 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:

There is a .16 acre lot (parcel #580120080000) and Kuhio Hwy between the Shoreline and parcel.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

gentle slope - elevation: low: 8 ft.

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

rocky & sandy

- 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

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

The property is in Flood Zone, VE, AE & X. See Figure 3

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

Steve Roda

5/22/19

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]
Planning Director or designee

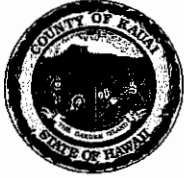
8-22-19
Date

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. *(See figure 1)
- 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. *(See figure 2)
- Building Permit Number (If building plans submitted)

PERMIT # BP19-0000072



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

Exemption 1

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(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.

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(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)

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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

8-22-19

Date

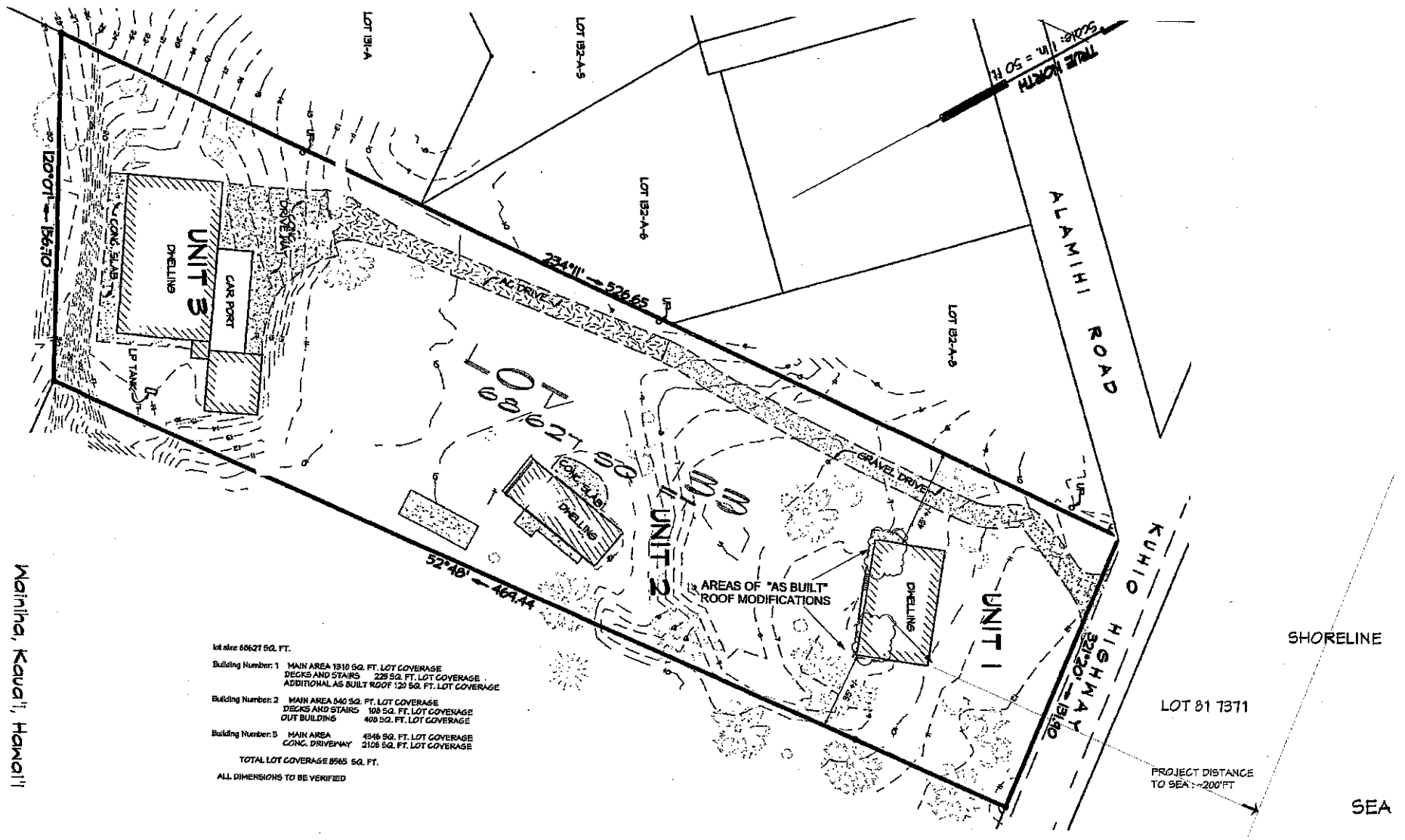
Additional comments/conditions:

OK per KH.

57033 KUHIO HWY. WAINIHA 96714

Wainiha, Kauai', Hawaii'

Graphic Scale in Feet



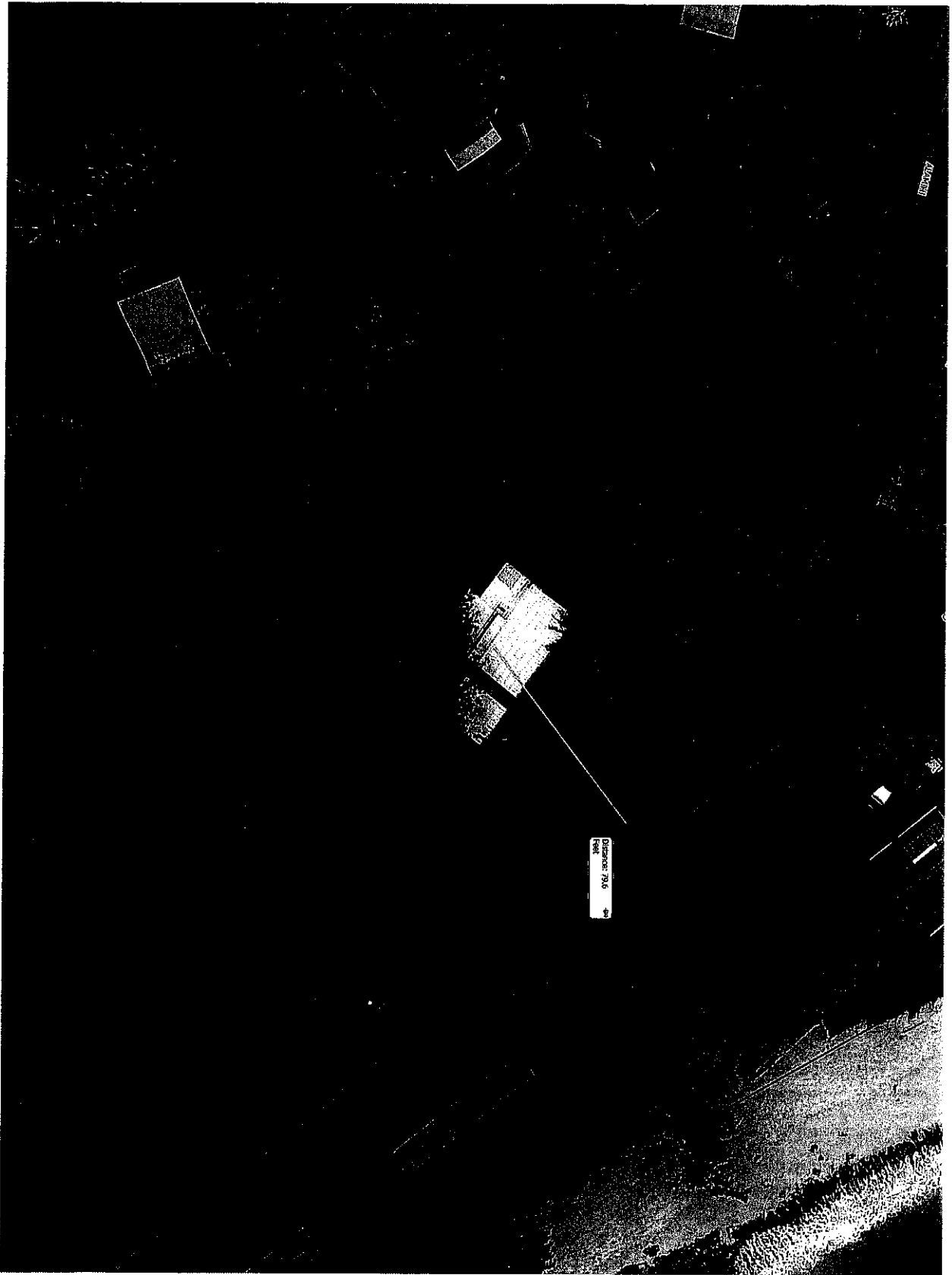
Lot Area 68627 SQ. FT.
 Building Number: 1 MAIN AREA 1910 SQ. FT. LOT COVERAGE
 DECKS AND STAIRS 225 SQ. FT. LOT COVERAGE
 ADDITIONAL AS BUILT ROOF 123 SQ. FT. LOT COVERAGE
 Building Number: 2 MAIN AREA 640 SQ. FT. LOT COVERAGE
 DECKS AND STAIRS 169 SQ. FT. LOT COVERAGE
 OUT BUILDING 408 SQ. FT. LOT COVERAGE
 Building Number: 3 MAIN AREA 4346 SQ. FT. LOT COVERAGE
 CONC. DRIVEWAY 2106 SQ. FT. LOT COVERAGE
 TOTAL LOT COVERAGE 8565 SQ. FT.
 ALL DIMENSIONS TO BE VERIFIED

SITE PLAN
 SCALE 1/4"=1'-0"

FIGURE 1



SUBJECT PROPERTY: 57033 KUHIO HWY, HANAIEI, HI 96714





ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

June 14, 2019

Steven Rodger
P.O. Box 1245
Hanalei, HI 96714

Subject: SHORELINE SETBACK APPLICATION, SUBSTANTIAL IMPROVEMENT
DETERMINATION for 5-7033-A Kūhiō Hwy., Haena
TMK: (4) 5-8-012:010

PW 06.19.010

Dear Mr. Rodger,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 states:

“Substantial improvement’ means 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....”

Improvements are being proposed for the residence at 5-7033A Kūhiō Highway on TMK 5-8-012:010 in Hā’ena. To determine if the improvements are considered “substantial,” we compare the total cost of all improvements within the past 10 years to the market value of the building before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be “unsubstantial.”

Market Value

There were no building permits within the last 10 years for this building.

The market value is taken to be the 2019 assessed building value as determined by the County’s Real Property Assessment Division. According to Real Property, the market value of the building is \$205,600. Fifty percent (50%) of this is \$102,800 (or \$205,600 divided by 2).

Cost of Improvements

The total cost of improvements was estimated to be \$3,600. A cost estimate dated May 31, 2019 was prepared by contractor Horak Construction and was submitted with a



Stephen Rodger
June 14, 2019
Page 2 of 2

contractor's affidavit dated May 31, 2019 to the Engineering Division of the Department of Public Works.

Summary

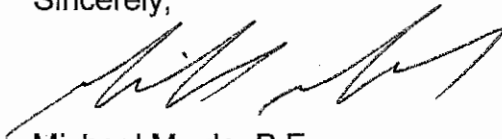
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$3,600}{\text{Market Value (Real Property): } \$205,600} = .0175 \text{ or } 1.75\%$$

Since the total cost **does not** exceed 50% of the market value, the improvement is considered to be **unsubstantial**. 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.

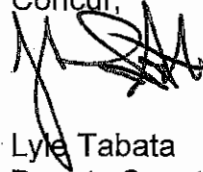
If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or email at achandler@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



Lyle Tabata
Deputy County Engineer

MM/SI/AC

Copy: Design and Permitting
Planning Department (Jody Galinato)

