



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>9</u> - <u>39</u>	
Acceptance Date:	<u>4.2.19</u>
Website Posting Date:	<u>4.9.19</u>
Determination Date:	<u>4.2.19</u>
Planning Commission Date:	<u>4.9.19</u>
Expiration Date:	<u>4.9.22</u>
Planner Assigned:	<u>JG</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>Drew and Dana Porter</u>	
Mailing Address: <u>5-5226 Kuhio Hwy</u> <u>Hanalei, HI 96714-3061</u>	Phone: <u>503-317-5868</u> Email: <u>dpm2004@consultants.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 <b>unexpired and recorded</b> 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>3/11/19</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>R 4</u>	Tax Map Key(s): <u>4-5-8-8-53</u>
	Land Area: <u>11,309 SF</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>SFR</u> <u>New Construction</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.

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): 425' ft. Exhibit B
3. Additional Information:
  - Shoreline Change (Erosion/Accretion) Rate: \_\_\_\_\_ ft./year  
(Information available here: [www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html](http://www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html))
  - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

*see comments*  
JG

<u>County Rd (Alaia)</u>	<u>4400 One One Rd (Three Private Homes)</u>
<u>7170 Alaia Rd (Private Home)</u>	<u>4414 One One Rd (Private Home)</u>



# PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Relatively Flat 9.99' Above MSL

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

The nearby shoreline is a historical sandy dune.

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 See Exhibit A

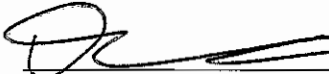
Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

Commensurate with VE Zoning

### 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

3/11/19  
Date

### Applicability (to be completed by Planning Department)

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

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

  
Planning Director or designee

4.2.19  
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.

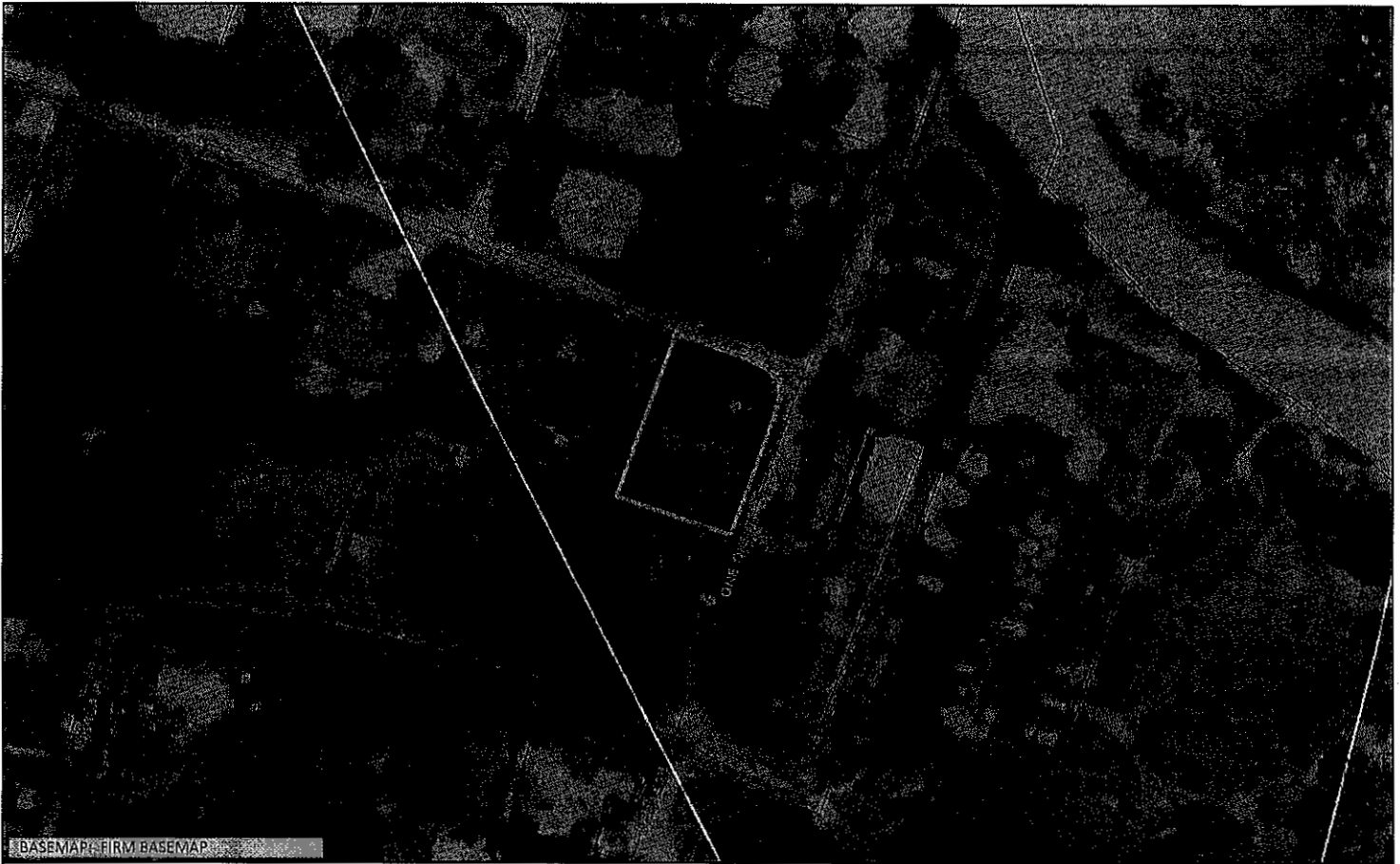
Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b).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

\_\_\_\_\_  
Planning Director or designee

4.2.19  
\_\_\_\_\_  
Date

Additional comments/conditions:

proposed construction approx  
260' to estimated shoreline.



BASEMAP: FIRM BASEMAP



# Flood Hazard Assessment Report

www.hawaiiinfip.org

## Property Information

COUNTY: KAUAI  
 TMK NO: (4) 5-8-008:053  
 WATERSHED: WAINIHA  
 PARCEL ADDRESS: 7161 ALEALEA RD  
 HANAIEI, HI 96714

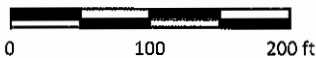
## Notes:

## Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010  
 LETTER OF MAP CHANGE(S): NONE  
 FEMA FIRM PANEL: 1500020035E  
 PANEL EFFECTIVE DATE: SEPTEMBER 16, 2005

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)

**SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD** - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	<b>Zone A:</b> No BFE determined.
	<b>Zone AE:</b> BFE determined.
	<b>Zone AH:</b> Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	<b>Zone AO:</b> Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	<b>Zone V:</b> Coastal flood zone with velocity hazard (wave action); no BFE determined.
	<b>Zone VE:</b> Coastal flood zone with velocity hazard (wave action); BFE determined.
	<b>Zone AEF:</b> 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.

	<b>Zone XS (X shaded):</b> 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.
	<b>Zone X:</b> Areas determined to be outside the 0.2% annual chance floodplain.

### OTHER FLOOD AREAS

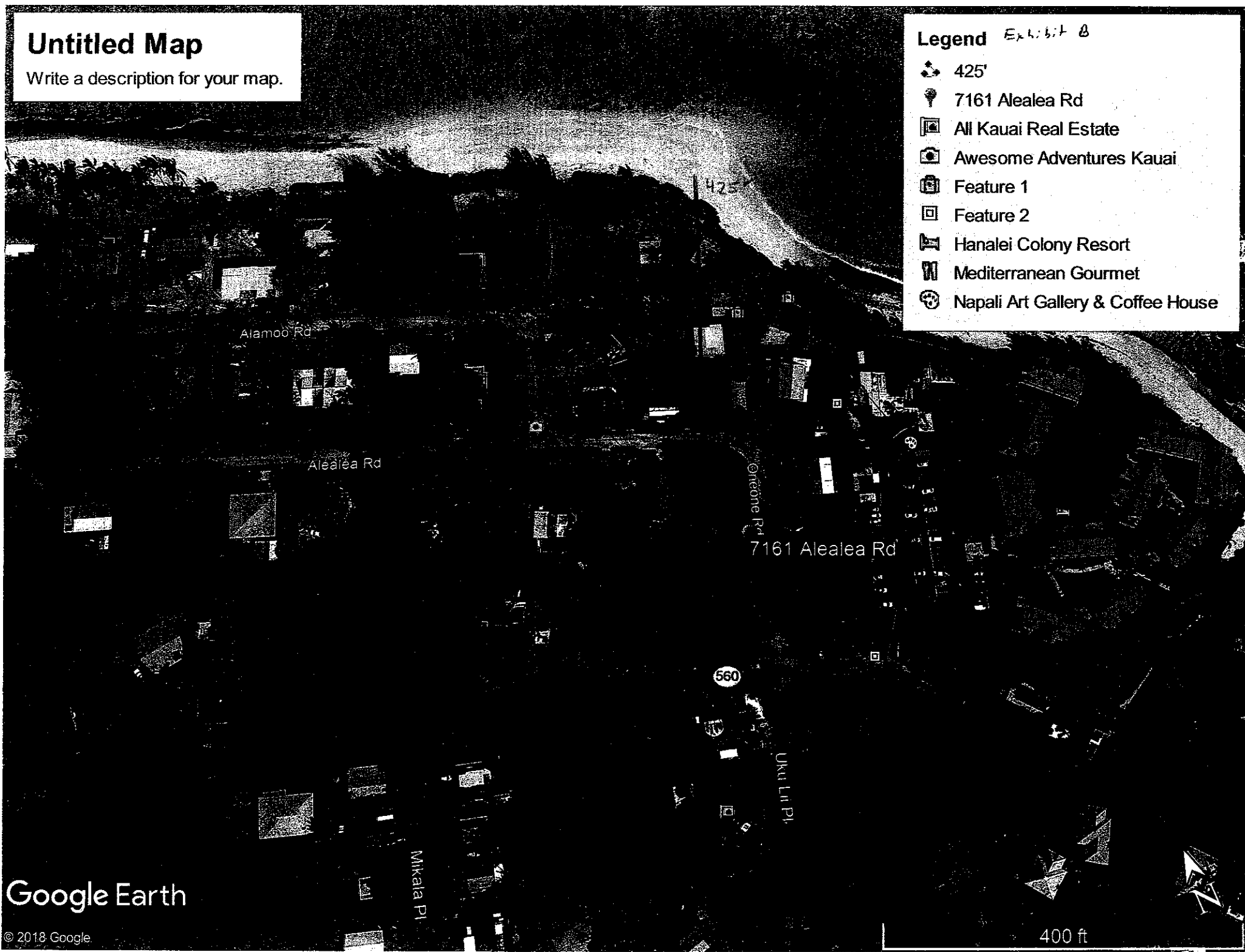
	<b>Zone D:</b> Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
--	---

# Untitled Map

Write a description for your map.

## Legend *Exhibit B*

- 425'
- 7161 Alealea Rd
- All Kauai Real Estate
- Awesome Adventures Kauai
- Feature 1
- Feature 2
- Hanalei Colony Resort
- Mediterranean Gourmet
- Napali Art Gallery & Coffee House

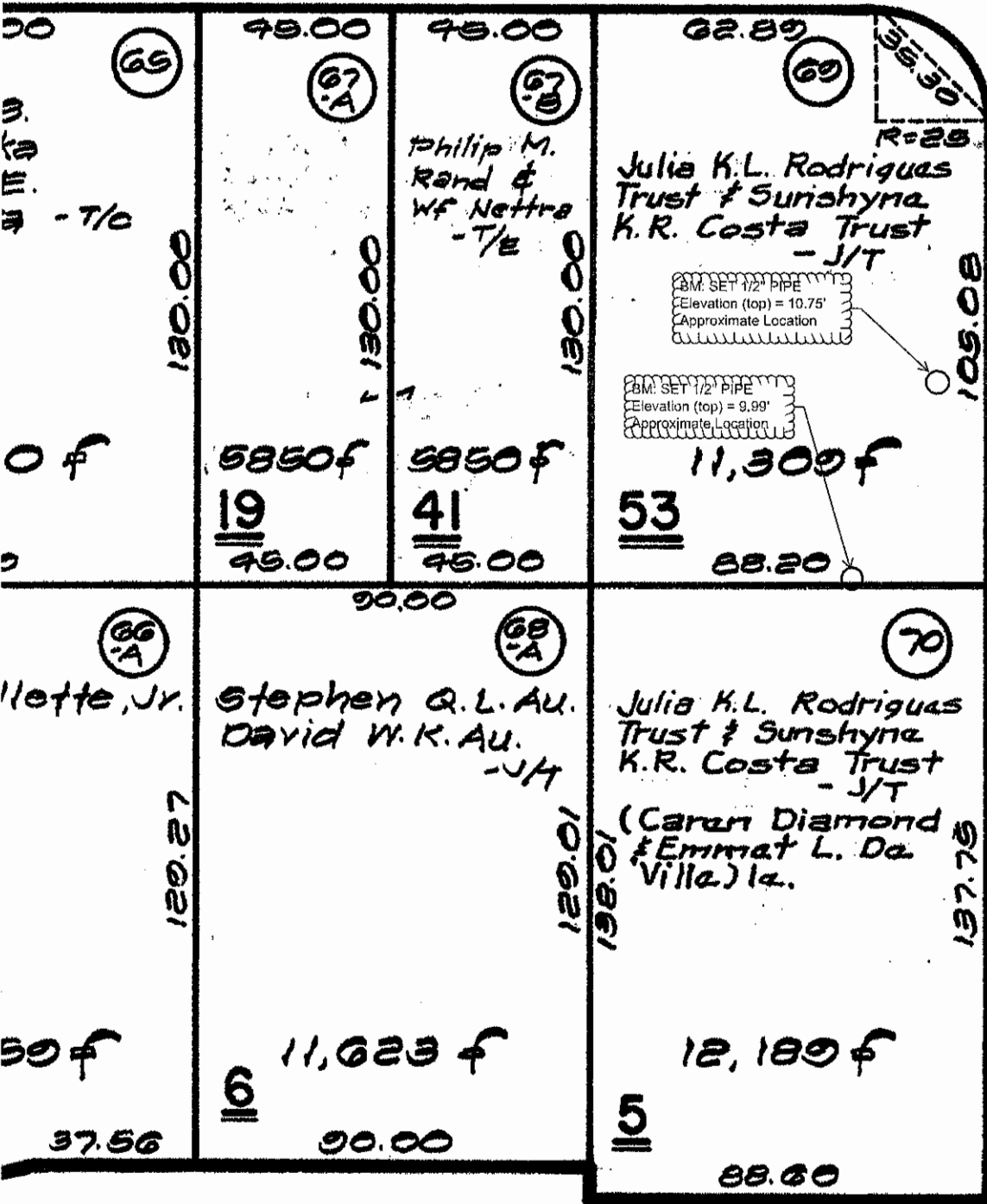


Google Earth

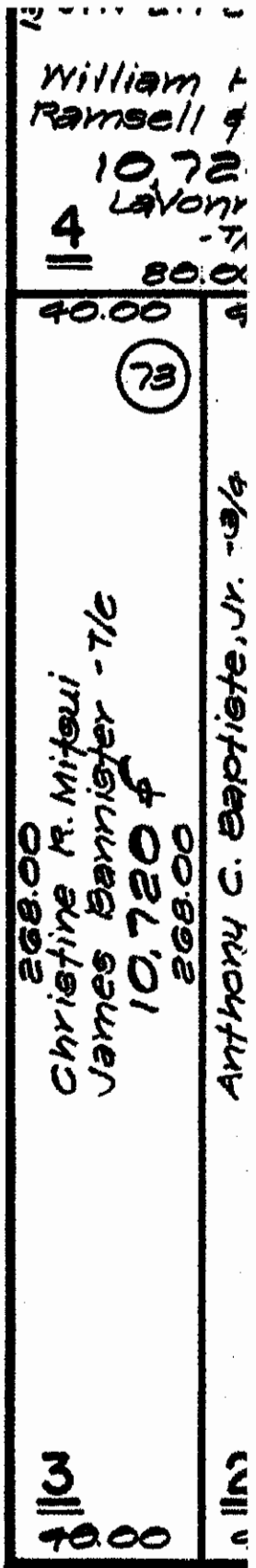
© 2018 Google

400 ft

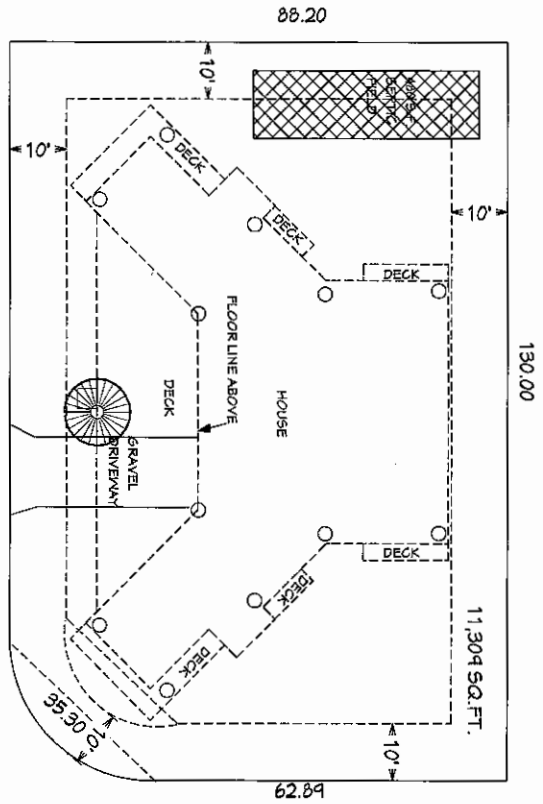
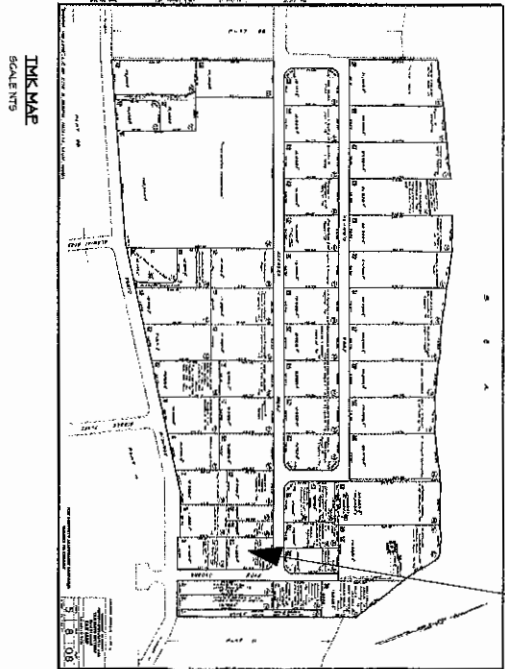
<u>21</u> 7705¢ 87.00	<u>20</u> 10,920¢ 70.00	<u>39</u> 45.66
-----------------------------	-------------------------------	--------------------



ONE ONE ROAD



PROJECT SITE



LOT CALCS

LIVING AREA	3,191 SQ. FT.
KITCHEN	1,400 SQ. FT.
SCHEDULE	4,541 SQ. FT.
FOOTPRINT	4,541 SQ. FT.
LOT SIZE	11,304 SQ. FT.
LOT COVERAGE	40.9%

**INDEX**

- SP1 - SITE PLAN, GENERAL NOTES
- VICINITY MAP, ISLAND MAP
- A01 - LOWER FLOOR PLAN
- A02 - UPPER FLOOR PLAN
- A03 - DOOR & WINDOW, UPPER FLOOR PLAN
- A04 - TRANSONM WINDOW, UPPER FLOOR PLAN
- A05 - DOOR SCHEDULE
- A06 - WINDOW SCHEDULE
- A07 - WINDOW SCHEDULE
- A08 - EXTERIOR ELEVATIONS
- A09 - EXTERIOR ELEVATIONS
- A10 - INTERIOR ELEVATIONS
- A11 - CROSS SECTIONS (3)
- E01 - LOWER ELECTRICAL PLAN
- E02 - UPPER ELECTRICAL PLAN

<p><b>SP1</b></p>	<p>SHEET NUMBER</p>	<p><b>PROPOSED RESIDENCE OF</b>  <b>DREW AND DANA PORTER</b>          Wainiha, Hanalei, Kaula, Hawaii          TMK: (4) 5-8-8:53</p>	<p>THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION. I AM A LICENSED PROFESSIONAL ENGINEER, ARCHITECT AND SURVEYOR OF THE STATE OF HAWAII.</p>	<p><b>DESIGN ASSOCIATES KAUAI</b>          P.O. BOX 840          LAYNA, HI 96765          TEL: (808) 832-4155 CEL: (808) 442-7940          EMAIL: rdm@daak.com          WEBSITE: WWW.DAAKUH.COM</p>	<p>PERMIT NUMBER</p>
-------------------	---------------------	--	--	---	----------------------

Click a starting point.



Search ✕

Search by COK\_PARCELS -

58008053 🔍

Search results (1) Options ▾

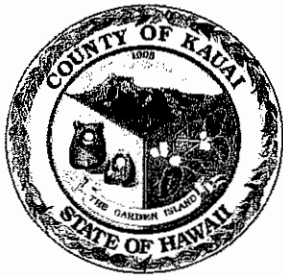
parid



© 2013 Pictometry

connected  
JL 4/2/19





# PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>9</u> - <u>40</u>
Acceptance Date:	<u>4.2.19</u>
Website Posting Date:	<u>4.5.19</u>
Determination Date:	<u>4.2.19</u>
Planning Commission Date:	<u>NA</u>
Expiration Date:	<u>4.2.20</u>
Planner Assigned:	<u>JL</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>Beatrice Ashburn / Malia Thain</u>
Mailing Address:	<u>1716 East Highland Drive</u> <u>Seattle, WA 98112</u>
Phone:	<u>808-635-2560</u>
Email:	<u>malia@puuwaia.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 <b>unexpired and recorded</b> 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:	<u>R-20</u>
Tax Map Key(s):	<u>2-8-015-003-0041</u>
Land Area:	<u>1,098 #</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>ADD WASKER + DEYER unit 41</u>

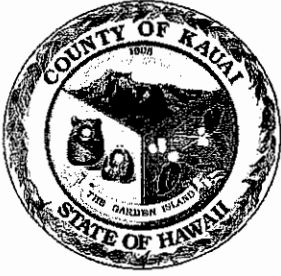
**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE, EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

### 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: 310'
- Additional Information:
  - Closest distance of improvement(s) from Shoreline is approximately \_\_\_\_\_ ft.
  - Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:



## 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.)

ROCKY

- 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).

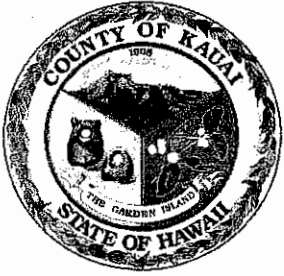
The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure 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

Malia Thain  
Signature

3.20.19  
Date

Applicability (to be completed by Planning Department)	
<input checked="" type="checkbox"/>	Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.
	<u>4.2.19</u> Date
Planning Director or designee	



## 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



21°52'35.17N, 159°27'58.71W (21.8764, -159.4685)

**Reports**

Parcel

Parcel List

Legend

Measure

Click on the map to gather point

Length: 305.606 ft

- 1) 21°52'38", -159°27'52"
- 2) 21°52'35", -159°27'53"