

**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD 20 <u>20</u> - <u>19</u>	
Acceptance Date:	<u>11.1.19</u>
Website Posting Date:	<u>11.2.19</u>
Determination Date:	<u>11.1.19</u>
Planning Commission Date:	<u>11.12.19</u>
Expiration Date:	<u>11.12.20</u>
Planner Assigned:	<u>JZ</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>Warren Owens</u>
Mailing Address:	<u>4-831 Kuhio Highway, Suite 438-305</u> <u>Kapaa, HI 96746</u>
Phone:	<u>714-981-2194</u>
Email:	<u>warren@pmpinc.us</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: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>A</u>
Tax Map Key(s):	<u>4-4-7-007-010</u>
Land Area:	<u>5.58 ACS</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Single Family Residence perimeter chain link fencing</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): 95'-165' ft.
- Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: 110/111 *see Proposed Fencing Exhibit* ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html)
 - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

Bike Path, County land between our property and shoreline



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- Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
Undulating
- 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)? No
- Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunamis, etc.) in the past?
No

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

8/21/19
Date

Signature

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.
	11.1.19 Date
Planning Director or designee	

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:

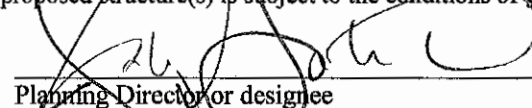
- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted 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).

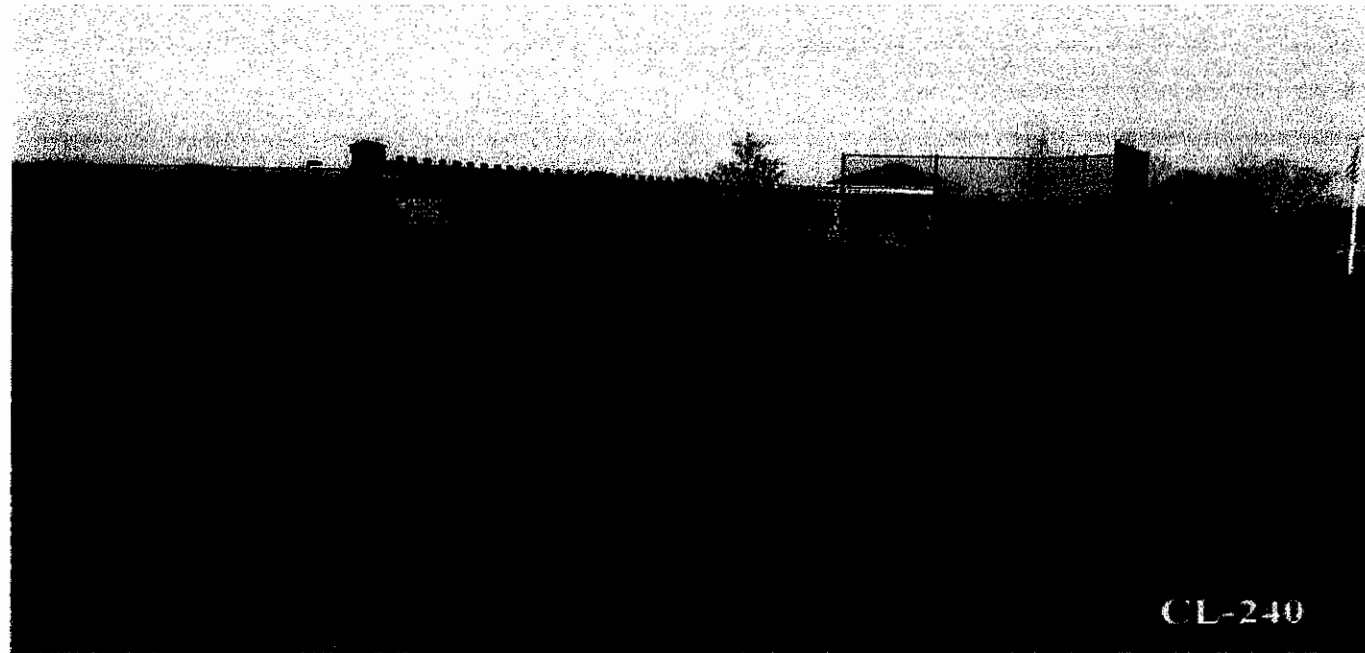
Exemption Determination (to be completed by Planning Department)

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)

 _____ Date 11.1.19

Additional comments/conditions:



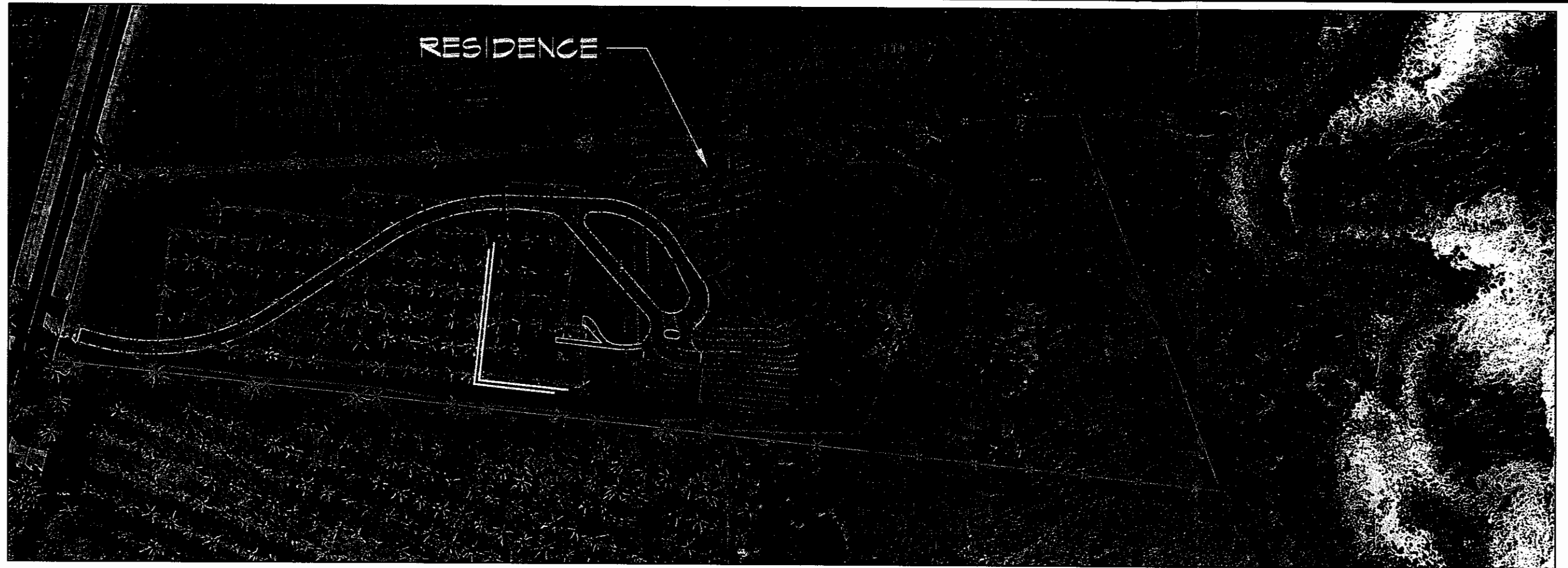
Fencing does not require a continuous footing. The posts will be 6" from the Property Line on applicants side of the Property Line.

The chain fencing will be 6' from ground to top of horizontal bar on top of fence. There will be a tension wire on the bottom 6" of the fencing and a hog wire below the chain link fence material to prevent pigs from crawling under the chain link.

Fencing mater is galvanized steel with green vinyl covering, to prevent rust and deterioration, due to the salt and humidity common to this type of location.

TRUE NORTH

Scale: 1 INCH = 100 FEET



LEGEND

- — — — — PROPERTY LINE
- x — — — — EXISTING FENCE
- x — — — — PROPOSED FENCE REPLACEMENT/ADDITION
- EXISTING VEGETATION LINE

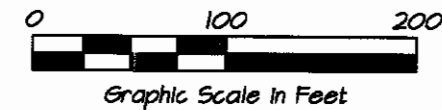


SHORELINE EROSION RATE MAP
NOT TO SCALE

PROPOSED FENCELINE EXHIBIT

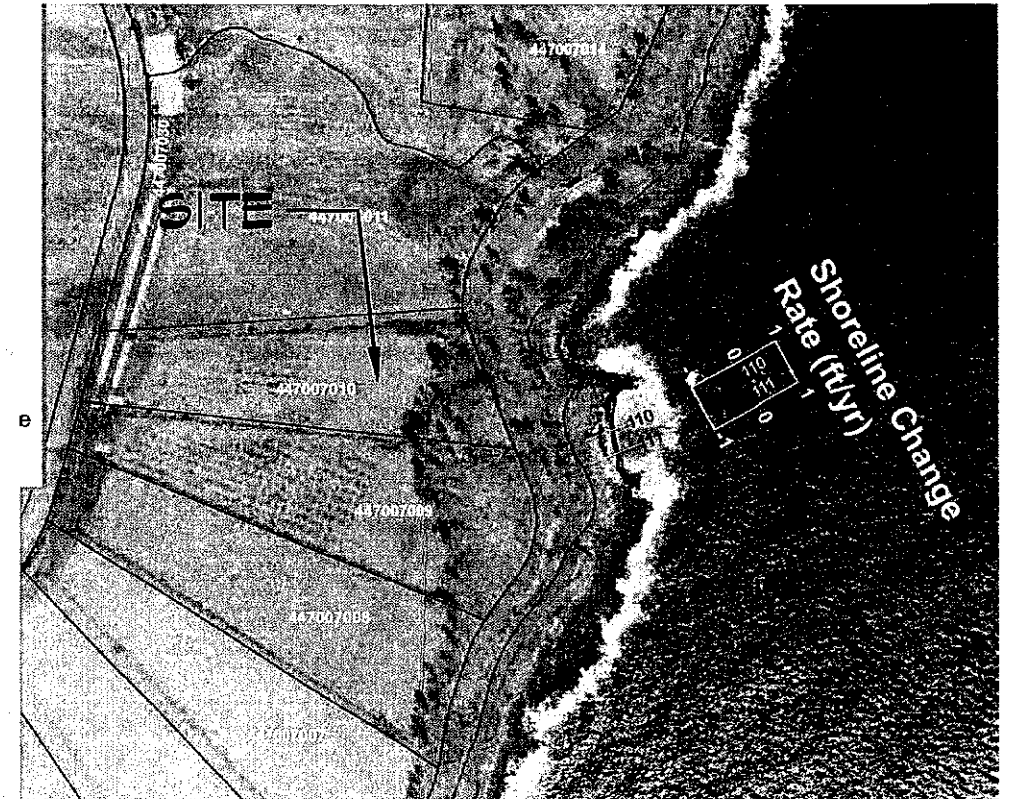
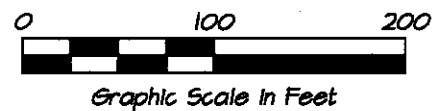
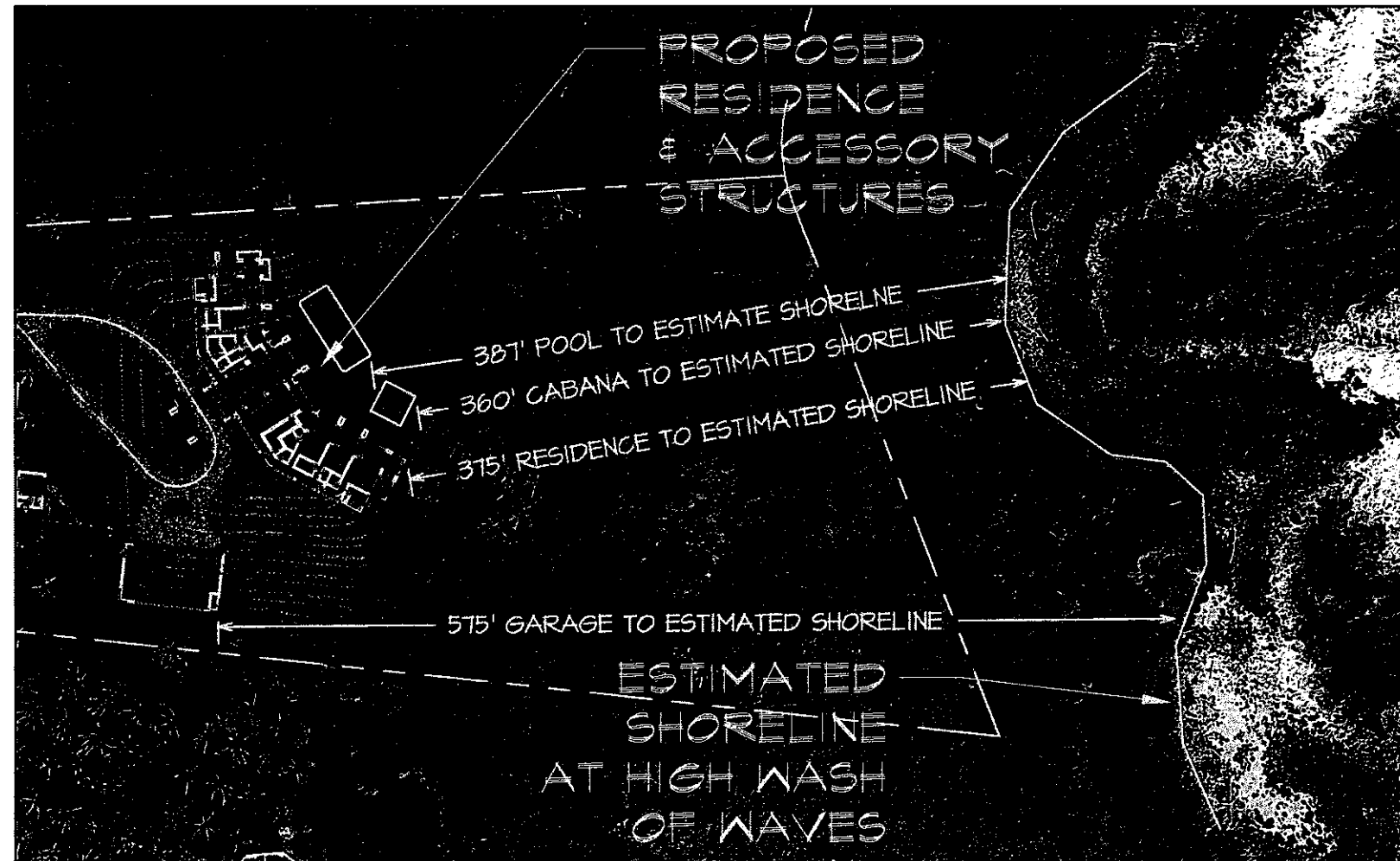
LOT 10

KEALIA KAI SUBDIVISION
at Kealia, Kawaihau, Kauai, Hawaii
TMK 4-7-07:10



TRUE NORTH

Scale: 1 INCH = 100 FEET



SHORELINE EROSION RATE MAP
NOT TO SCALE

SHORELINE SETBACK EXHIBIT

LOT 10

KEALIA KAI SUBDIVISION
at Kealia, Kawaihau, Kawai, Hawaii
TMK 4-7-07:10