PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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: Association of Beachhouse Owners of Kiahuna Plantation
Mailing Address: 2235 Poipu Road
Kauai, HI 96756

Phone: 808.742.3522
Email: Chris.Gampon@Outrigger.com

Applicant's Status: (Check one)
□ Owner of the Property (holder of at least 75% of the equitable and legal title)
□ 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. Attach Letter of Authorization)
□ Authorized Agent

Transmittal Date: 01/23/2018

County Zoning District:

Tax Map Key(s):

Land Area:

See attached supplement

Nature of Development: (Description of proposed structure or subdivision)

Install downward facing parking lot lights; install safety chain link fence; remove/replace 40ft stepping stone pathway with 35' cement path.

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): 145 ft. (approx)

2. Property is Not Abutting the Shoreline
□ Proposed project's approximate distance from shoreline (based on aerial map): ___ ft.

3. Additional Information:
□ Shoreline Change (Erosion/Accretion) Rate: 1.0 ft/year (information available here: www.soest.hawaii.edu/coasts/kauaiCountY/KCoimtv.html)
□ Number and description of parcels (including roads, buildings, structures) between shoreline and this parcel:

Property abuts shoreline, no roads between shoreline closest parcel

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

Property extends from shoreline with slight slope down to center then incline up to top of property

☐ 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?): Zone AE(EL-12) - Zone AE(EL-9)

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

Closest parcel to ocean subject to seasonal coastal erosion and erosion rate as noted above

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 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.

Director of Planning Date

3-10-18

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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)

Pursuant to §8-27.7 of 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 of the Kauai County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from these 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)

☐ Additional comments/conditions:

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SUBJECT: Shoreline Setback Determination and exhibits for Kiahuna Plantation parkway lighting project.

DESCRIPTION AND PURPOSE OF THE PROJECT:
Enhance overall property safety. Public safety will be enhanced by the addition of the parkway lighting throughout all phases of Kiahuna Plantation.

Parkway Lighting: Parkway lighting will be added to 18 locations (see attached map). All lights will be mounted on a 12-foot high aluminum post. Post footing specifications are certified by a qualified engineer (see attached drawing). Light fixtures will be downward facing with illumination limited to the immediate surrounding in front of the post and to a small degree behind the post (see attached drawing). Illumination is planned to be at between 3,500K to 4,000K at 10,000 lumens. A majority of the lighting is under monkey pod, Poinciana, and other large tree canopies.

TMK's affected: 42B014018; 42B016007; 42B017026; 42B017009; 42B017026

A copy of the County Planning Department Shoreline Setback Application Form is attached along with exhibits as listed on the following page.

If you have any questions related to the project, please contact me. My contact information is listed below as well as on the assessment form and Exhibit A.
## Exhibit List:

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exhibit A</td>
<td>Map of Kiahuna Plantation including land sections, TMK numbers, and symbols for light project.</td>
</tr>
<tr>
<td>Exhibit B</td>
<td>Map of Kiahuna Plantation including land sections, TMK numbers, and symbols for light project.</td>
</tr>
<tr>
<td>Exhibit D-1</td>
<td>USGS satellite map showing shoreline change rates for Po'ipu.</td>
</tr>
<tr>
<td>Exhibit B-2</td>
<td>Table showing USGS shoreline change rates for Po'ipu and a comparison to exhibits D-1.</td>
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</tbody>
</table>

Mo ka 'oia 'I'o,

Chris A. Gampi
Association of Beachhouse Owners
General Manager

KIAHUNA PLANTATION RESORT KAUA'I
By Outrigger
2253 Po'ipu Road
Koloa, Hawai'i 96756
TEL +1 808 742-3522
FAX +1 808 742-4023
Section V.1.B or VI.C of the Bylaws, and Section 3.2.b.1 of this Agreement; (2) to perform the work described in VI.2.A of the Bylaws if the Owner fails to do so as described therein; or (3) to perform the work described in Section 514B-138 of the Act with regard to "high risk components" in the event the Owner fails to do so as described therein.

e. No Mark-up in Costs of Services or Goods. Agent shall not increase the cost of any of the services or goods provided to the Association by Agent's KPR Employees, unless prior to such increase the Board agrees to such increase in writing or by its approval of an annual budget; provided however, that nothing herein shall prevent Agent from instituting merit raises in extraordinary circumstances to retain qualified employees upon the prior approval of the President or other individual designated by the Board. In the event of an emergency where it becomes necessary for the Agent to increase the cost of services or products provided to the Association, Agent may expend such sums upon the prior approval of the President or other officer or individual designated by the Board.

f. Responsibility for Complying with Applicable Codes.

i) The Association represents that, to the best of its collective knowledge, the Project (including the Common Elements) and its equipment were in compliance with the requirements of any and all statutes, ordinances, laws, rules and regulations, and resort and Project covenants, conditions, and restrictions.

ii) Agent agrees that, from and after the date of this Agreement, it will not make any recommendations to the Association with regard to the Project that are intentionally in violation of the requirements of any and all statutes, ordinances, laws, rules, and regulations and resort and Project covenants, conditions, and restrictions.

iii) The Association authorizes Agent to disclose the ownership of the Project to any government officials.

iv) Agent shall promptly notify the President and promptly forward to the President or another designated officer, any complaints, warnings, summonses, or other legal notice or notices received by the Agent relating to such matters. The Association shall promptly notify and shall promptly forward to Agent, any complaints, warnings, summonses, or other legal notice or notices received by the Association relating to such matters.

g. Contracts. Subject to the direction of the Board and Section 2.2.d, the Agent shall negotiate on behalf of the Association contracts for water, electricity, gas, telephone, cable, satellite television, other communication services and such other contractual services for the maintenance or repair of the Common Elements as may be necessary or advisable. The Agent shall also purchase, on behalf of the Association, such equipment, tools, appliances, materials and supplies as are necessary for the proper operation and maintenance of the Project, subject, however, to limitations of the approved budget for the then-current fiscal year. Agent shall use commercially reasonable best efforts to obtain the lowest prices for all goods and services that it purchases from third party vendors in connection with this Agreement. All such purchases, contracts and hiring shall be in the name and at the expense of the Association, and any and all discounts received shall be credited to the account of the Association.
EXHIBIT C
Project distance to shoreline

Distance: 145.42 ft (44.32 m)
The Poipu study area (transects 0-21) is located on the south coast of Kauai. The area is bounded by Lae o Kamilo to the west and Makahuena Point to the east. The shoreline is characterized by small pockmarked basins interspersed among basaltic headlands. Overall, the area is undergoing erosion at an average rate of -0.7 ft/yr. The area lends itself to division into three portions. The western portion (transects 65 - 97) is located between Lae o Kamilo and Kiahuna. This section is experiencing erosion at an average rate of -0.7 ft/yr. Poipu Beach Park (transects 98 - 118) to the east of Kiahuna has experienced erosion at an average rate of -0.5 ft/yr. The eastern portion (transects 119 - 123) has experienced chronic erosion at an average rate of -0.9 ft/yr. Previous studies did not analyze the Poipu study area shoreline.