

**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

FOR OFFICIAL USE ONLY:	
SSD 201	<u>8-44</u>
Acceptance Date:	<u>3-16-18</u>
Website Posting Date:	<u>3-19-18</u>
Determination Date:	<u>3-16-18</u>
Planning Commission Date:	<u>3-27-18</u>
Expiration Date:	<u>3-27-19</u>
Planner Assigned:	<u>JW/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:	Association of Beachhouse Owners of Kiahuna Plantation
Mailing Address:	2253 Po'ipu Road Koloa, HI 96756
Phone:	808.742.3522
Email:	Chris.Gampon@Outrigger.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 type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	<u>01/23/2018</u>

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>RESORT</u>
Tax Map Key(s):	<u>See attached supplement</u>
Land Area:	
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.

- Property is Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): 145 ft. (approx)
- 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: 1.0 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:

Property abuts shoreline; no roads between shoreline closest parcel



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

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(EL9)


Has this property been subject to coastal hazards (i.e. 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

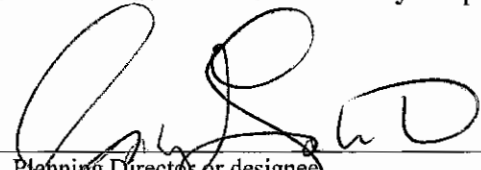

Signature

03/15/2018
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

3-16-18
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:

Jody Galinato
Planning Department, Enforcement Division
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 473
Līhu'e, Hawai'i 96766

03/12/2018

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: 428014018; 428016007; 428017026; 428017009; 42801700⁰¹⁰~~1~~

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:

EXHIBIT	DESCRIPTION
Exhibit A	Master information for project and property. Includes location on Kauai; property map with phases; Contact Information; Tax Map Key list; property summary and project summary.
Exhibit B	Map of Kiahuna Plantation including land sections; TMK numbers; and symbols for light project.
Exhibit C	Google satellite map showing the nearest distance of the project to apparent shoreline.
Exhibit D-1	USGS satellite map showing shoreline change rates for Po'ipū.
Exhibit D-2	Tables showing USGS change rate transects for Po'ipū and area directly in front of Kiahuna Plantation.

Me ka 'oia 'i'o,



Chris A. Gampon
Association of Beachhouse Owners
General Manager

KIAHUNA PLANTATION RESORT KAUA'I

By Outrigger
2253 Po'ipū Road
Kōloa, Hawai'i 96756
TEL +1 808 742-3522
FAX +1 808 742-9015

Section V.1.B or V1.C of the Bylaws, and Section 3.2b.i) of this Agreement; (2) to perform the work described in VI.2.A of the Bylaws in the event 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.

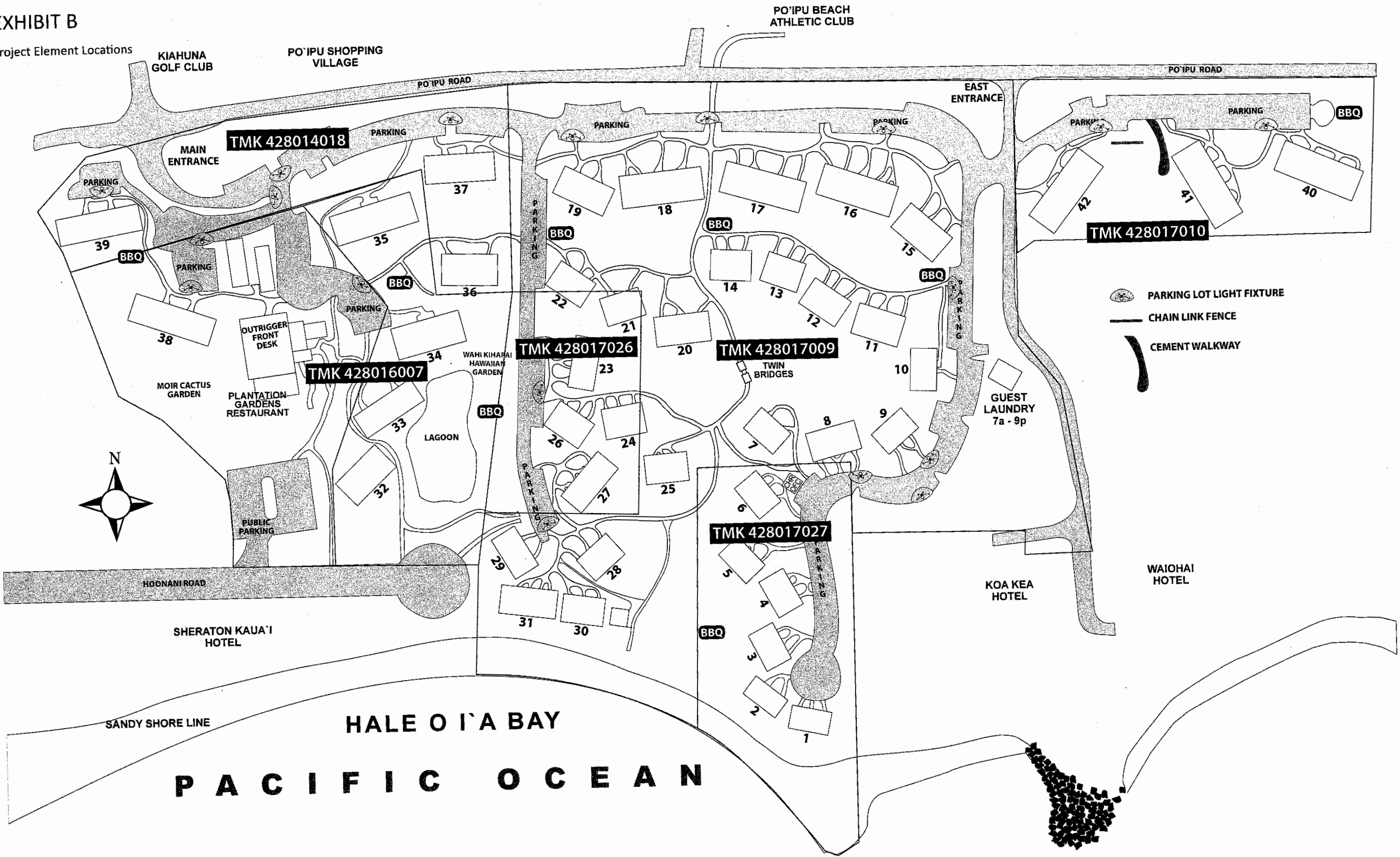
iii) The Association authorizes Agent to disclose the ownership of the Project to any government officials.

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 2.2d, 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 B

Project Element Locations



TMK 428014018

TMK 428017010

TMK 428016007

TMK 428017026

TMK 428017009

TMK 428017027

SHERATON KAUA'I HOTEL

KOA KEA HOTEL

WAIOHAI HOTEL

HALE O I'A BAY
PACIFIC OCEAN

EXHIBIT B

Project Element Locations

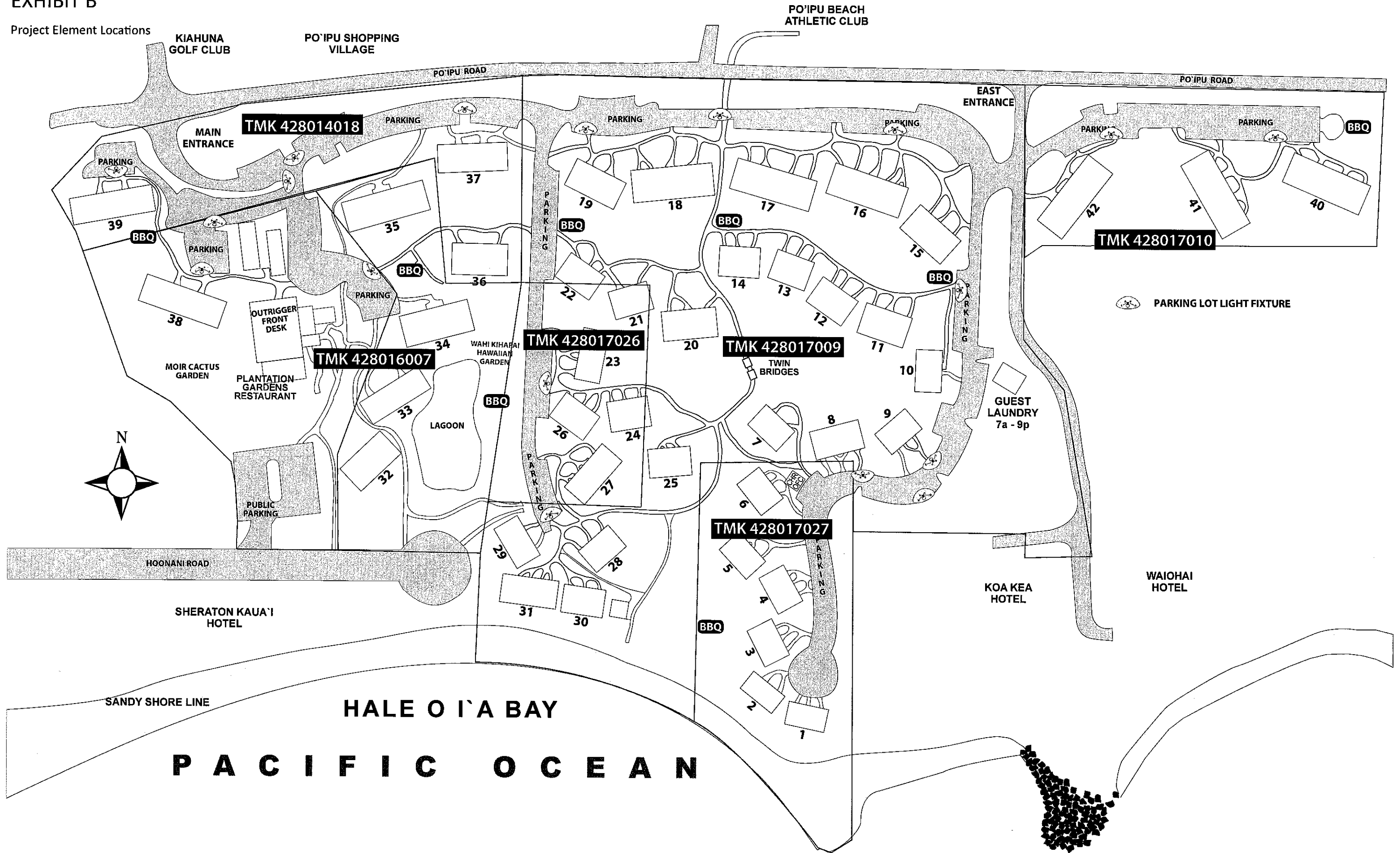
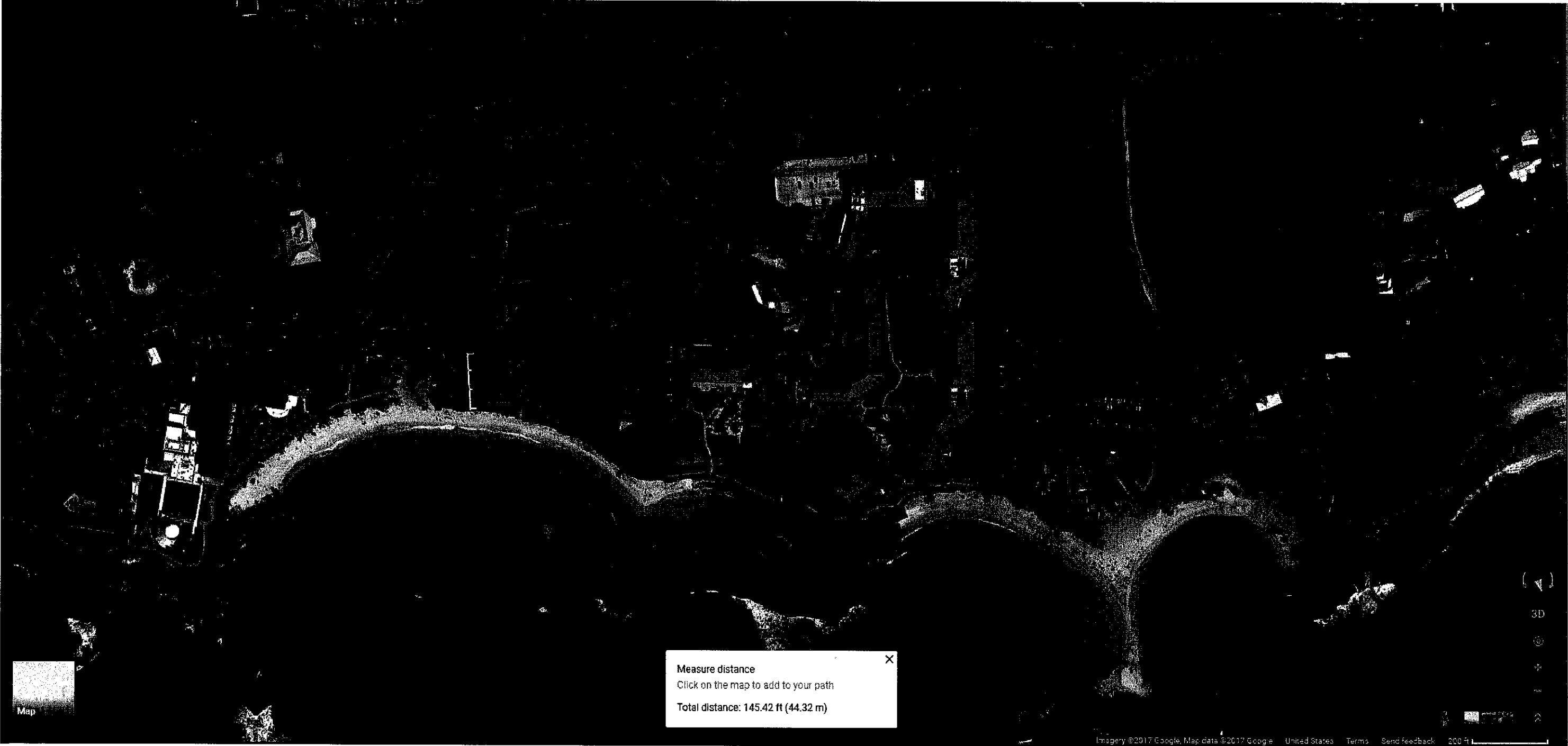


EXHIBIT C

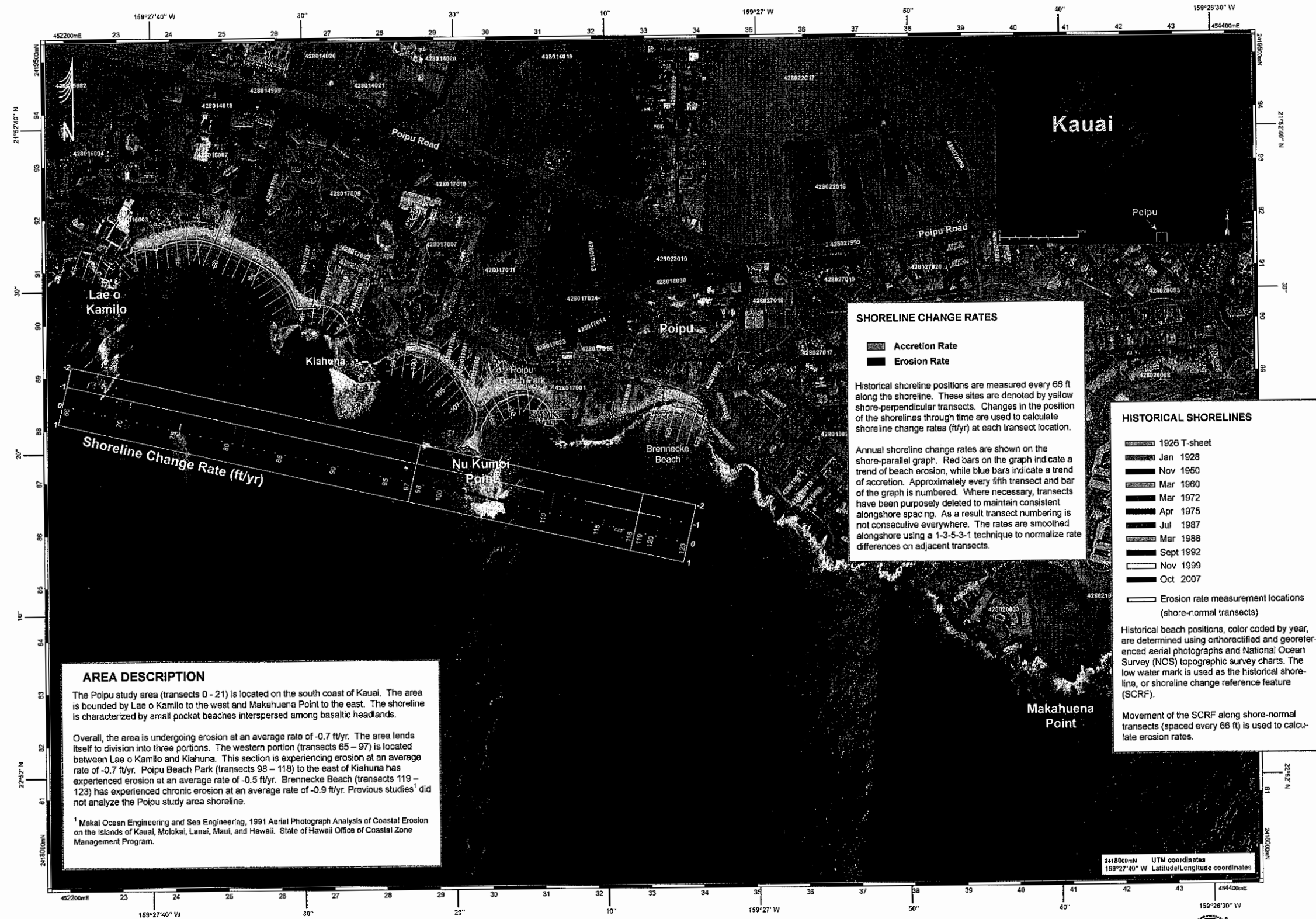
Project distance to shoreline



Measure distance ✕
Click on the map to add to your path
Total distance: 145.42 ft (44.32 m)

EXHIBIT D-1

USGS Shoreline change rate map



AREA DESCRIPTION

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 pocket beaches 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. Brennecke Beach (transects 119 - 123) has experienced chronic erosion at an average rate of -0.9 ft/yr. Previous studies¹ did not analyze the Poipu study area shoreline.

¹ Makai 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.

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.

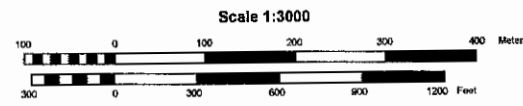
HISTORICAL SHORELINES

- 1926 T-sheet
- Jan 1928
- Nov 1950
- Mar 1960
- Mar 1972
- Apr 1975
- Jul 1987
- Mar 1988
- Sept 1992
- Nov 1999
- 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.



The preparation of this poster was financed in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, United States Department of Commerce, through the Office of Planning, State of Hawaii.

Charles Fletcher, Matthew Barbee, Siang-Chyn Lim, Julia Ehse, Matt Dyer, and Ayesha Genz
 University of Hawaii Coastal Geology Group
 School of Ocean and Earth Sciences and Technology
 1680 East West Road, Honolulu, HI 96822, U.S.A.

Contract C25514 Contract 7249

USGS
 science for a changing world

EXHIBIT D-2

USGS Shoreline change rate transects

**Erosion Transect Rates
Shoreline fronting Kiahuna Plantation**

**Association of Beachhouse Owners
of Kiahuna Plantation**

Transect	Smoothed Rate
75	0.90 Phase III
76	1.00 Phase III
77	0.90 Phase III
78	0.90 Phase III
79	0.90 Phase III
80	0.90 Phase II
81	0.90 Phase II
82	0.90 Phase II
83	0.90 Phase II
84	1.00 Phase II
85	1.00 Phase II
86	0.90 Phase I, Phase II
87	0.90 Phase I, Phase II
88	0.80 Phase I, Phase II
89	0.60 Phase I, Phase II
90	0.50 Phase I, Phase II
High	1.00
Median	0.90
Minimum	0.50

Poipu - Smoothed Rates

Positive Rate = Accretion
Negative Rate = Erosion

Transect	Smoothed Rate (ft/yr)	Transect	Smoothed Rate (ft/yr)
65*	-0.5	111	-1.1
66	-0.5	112	-1.1
67*	-0.5	113	-1.1
68*	-0.4	114	-0.9
69*	-0.4	115	-0.6
70*	-0.4	116	-0.3
71	-0.5	117	0.2
72	-0.6	118	-0.5
73	-0.7	119*	-0.5
74	-0.8	120	-0.8
75	-0.9	121	-1.0
76	-1.0	122	-1.1
77	-0.9	123	-1.0
78	-0.9		
79	-0.9		
80	-0.9		
81	-0.9		
82	-0.9		
83	-0.9		
84	-1.0		
85	-1.0		
86	-0.9		
87	-0.9		
88	-0.8		
89	-0.6		
90	-0.5		
91	-0.5		
92	-0.6		
93	-0.8		
94	-0.9		
95	-0.8		
96	-0.6		
97	-0.3		
98	-0.5		
99	-0.4		
100	-0.3		
101	-0.3		
102	-0.2		
103	-0.2		
104	-0.1		
105	-0.1		
106	-0.2		
107	-0.4		
108	-0.7		
109	-0.9		
110	-1.0		

*Imagery indicates beachwidth of zero during period of analysis. Rate calculation reflects data with beach existence.