

## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>9</u> - <u>27</u>	
Acceptance Date:	<u>11/30/18</u>
Website Posting Date:	<u>12/4/18</u>
Determination Date:	<u>11/30/18</u>
Planning Commission Date:	<u>12/11/18</u>
Expiration Date:	<u>12/11/21</u>
Planner Assigned:	<u>ML</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>Craig &amp; Kirsten Heiser.</u>	
Mailing Address: <u>398 Aunaha Rd. Kapaa, HI 96746</u>	Phone: <u>808 652-9754</u> Email: <u>kawaiheiser@gmail.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. <u>Letter attached. (Exhibit E)</u>
Transmittal Date: <u>11/28/18</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>Residential (R-4)</u>	Tax Map Key(s): <u>1-3-05:039 002</u> Land Area: <u>10,877 sq</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Construct a new single-family residence (2<sup>nd</sup> story) &amp; a new Guest House.</u>

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

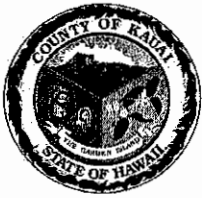
**Part A**

**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): ~350 ft.  
SEE Exhibit A
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:

This parcel is separated from the nearest shoreline by: 1) Kuhio Highway; and a 4.239 acre shore front property (TMK 1-3-05:4b). SEE Exhibit A



# PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

The topography is relatively flat along majority of the property approximately 5-6 ft. msl, which slopes up to Kaula Highway at approx. elevation of 10-11 ft. msl.

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

The existing nearby shoreline (across Kaula Highway) is a sandy beach with sand 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)? XS ZONE (see Exhibit B)

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

No, the property does not have any history of being subject of coastal hazards.

### 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

*[Handwritten Signature]*

Signature

11/28/18

Date

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

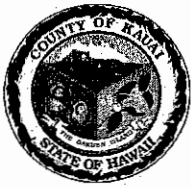
Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

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

*[Handwritten Signature]*  
Planning Director or designee

11-30-18

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. *SEE Exhibit A*
- 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 EXHIBIT C & D*
- Building Permit Number (If building plans submitted) *BP # 18-2686 (SFR) & BP # 18-2687 (Guest House)*

### Exemption Determination

*2/11/18*

#### 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)

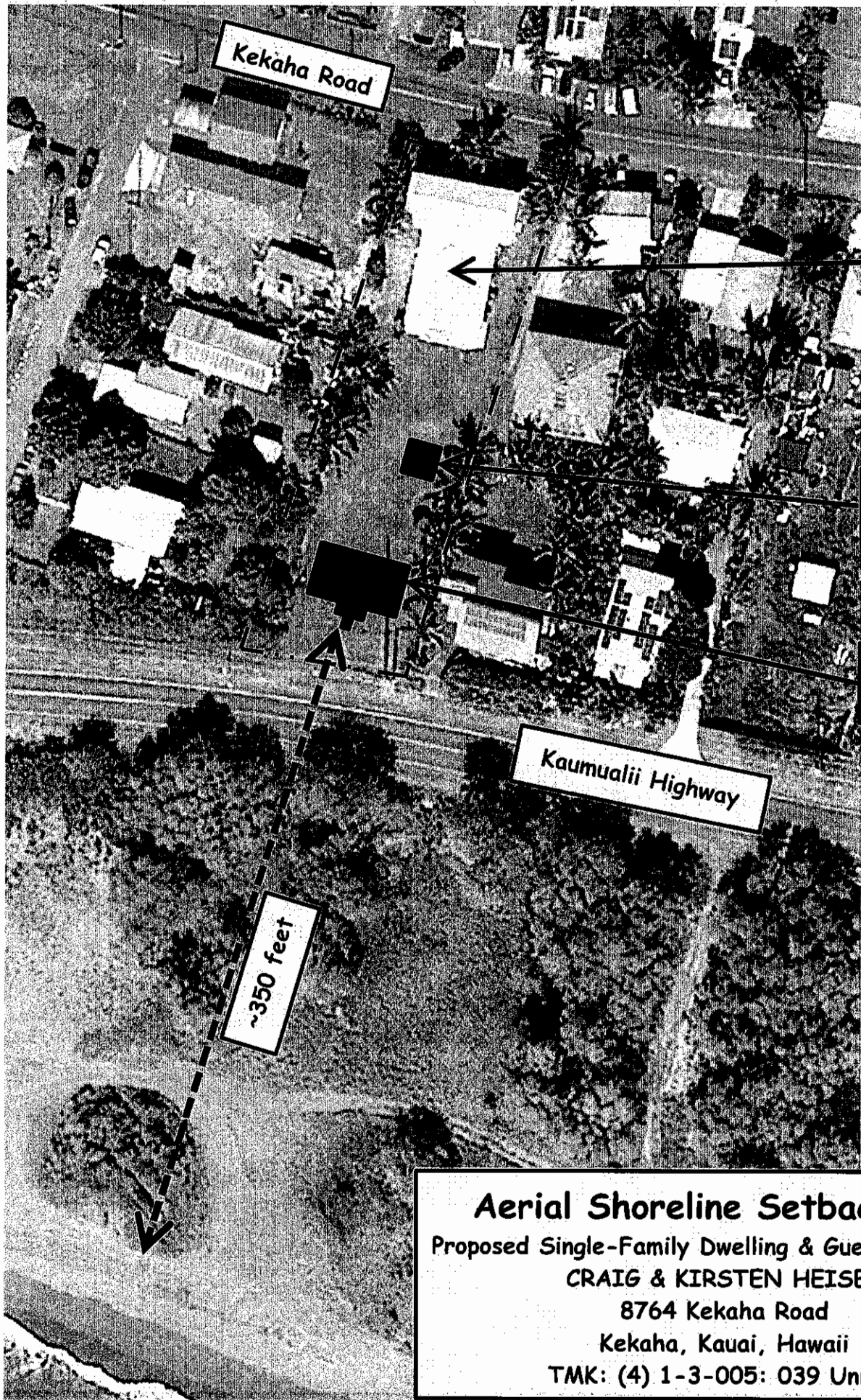
- Letter from the Department of Public Works stating that the proposed project does **not** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project)

### 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)

*[Signature]* \_\_\_\_\_ *11-30-18*  
 Planning Director or designee Date

- Additional comments/conditions:



Kekaha Road

Existing SFD

Proposed Guest House

Proposed SFD

Kaumualii Highway

~350 feet

**Aerial Shoreline Setback Map**  
Proposed Single-Family Dwelling & Guest House for:  
**CRAIG & KIRSTEN HEISER**  
8764 Kekaha Road  
Kekaha, Kauai, Hawaii  
TMK: (4) 1-3-005: 039 Unit 2

EXHIBIT A



# Flood Hazard Assessment Report

www.hawaiiinfip.org

## Property Information

COUNTY: KAUAI  
 TMK NO: (4) 1-3-005:039  
 WATERSHED: KAPILIMAO  
 PARCEL ADDRESS: 8764 KEKAHA RD  
 KEKAHA, HI 96752

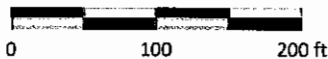
## Notes:

## Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010  
 LETTER OF MAP CHANGE(S): NONE  
 FEMA FIRM PANEL: 1500020254F  
 PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

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.
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**EXHIBIT B**

House plans

on file

too large to

Scan