

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 <u>8</u> - <u>36</u>	
Acceptance Date:	<u>2/5/18</u>
Website Posting Date:	<u>2/6/18</u>
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	<u>Jo/MS</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:	Honua Engineering, Inc./Brian M. Hennessy
Address:	P.O. Box 851 Hanalei, HI 96714
Phone:	826-7256
Email:	Brian@honuaengineering.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 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 checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: <u>April 7, 2017</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District:	<u>AG</u>
Tax Map Key(s):	<u>(4) 1-7-06:12</u>
Land Area:	<u>8.332 acres</u>
Nature of Development: (Description of proposed Structure of subdivision)	Two residential buildings on oceanfront parcel that is developed with existing single family residence.

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

Part A

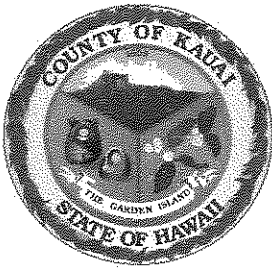
Shoreline Setback Determination of Applicability (§8-27.1)

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 183' Residence 1
 Project's approximate distance from shoreline: 590' Residence 2

- Properties Not Abutting the Shoreline
 Project's approximate distance from shoreline: _____

- 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:



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

Flat - ground 8' to 9' above mean sea level

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

Sand and reef.

- 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)? AE 11 and VE 11

- Has this property been subject to coastal hazards in the past? (If checked, please describe)

None know, shoreline is seeing slow accretion per UH erosion study - map attached.

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

B. Hennessey
Signature

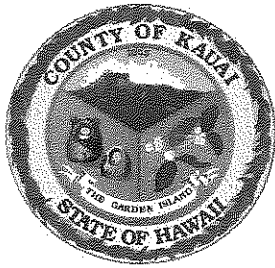
4/7/17
Date

Applicability (to be completed by Planning Department)

- Setback Determination necessary.** Requirements of Ordinance No. 979 apply, submit full application.

[Signature]
Planning Director or designee

2/5/18
Date



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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 required established under §8-27.8.

Planning Director or designee

Date

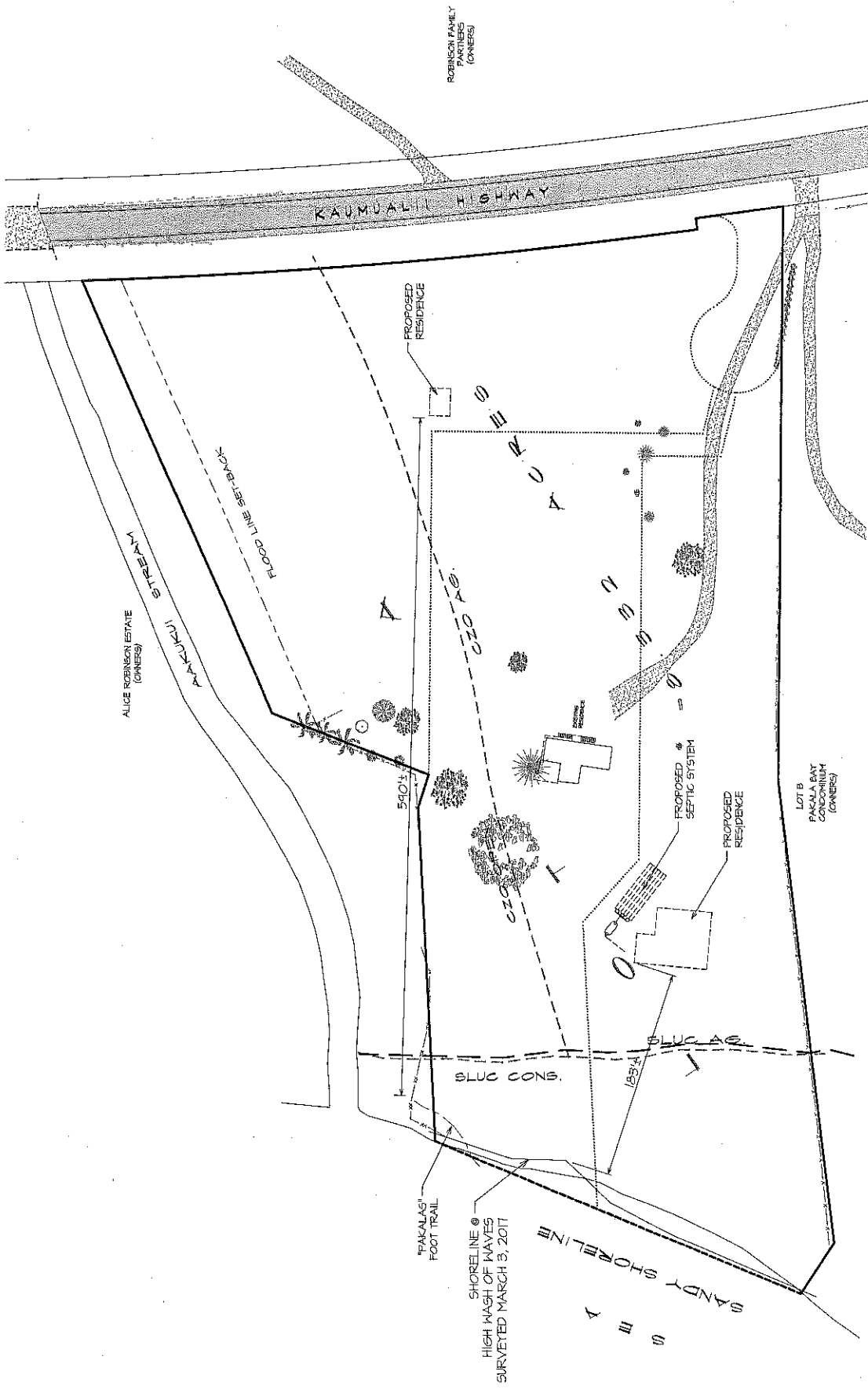


EXHIBIT MAP - SHORELINE SETBACK DETERMINATION
PAKALA ACRES CONDOMINIUM
LOT "A"

BEING A PORTION OF
 R.P. 4476, L.C. AM. TT13 Ap. 1
 TO YAKAMAMALU
 AT MAKAWALI, (KONA), KAUAI, HAWAII



PREPARED FOR:
 RANDALL S. MERR
 CATHERINE A. MERR TRUST

PREPARED ON:
 APRIL 6, 2011

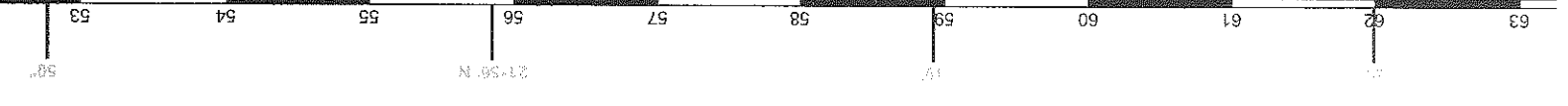


Shoreline Change Rate (ft/y)

SITE

KAYAKING

KAYAKING



21° 50' N