



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 202 <u>1</u> - <u>1</u>	
Acceptance Date:	<u>7.2.20</u>
Website Posting Date:	<u>7.6.20</u>
Determination Date:	<u>7.2.20</u>
Planning Commission Date:	<u>7.14.20</u>
Expiration Date:	<u>7.2.2023</u>
Planner Assigned:	<u>R1</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:	Vincent Ortolano
Mailing Address:	12401 Walkerway Albuquerque NM 87111
	12401 Walkerway Albuquerque NM 87111
Phone:	1-505-401-1131
Email:	vortolano52@yahoo.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.
☐ Authorized Agent	Attach Letter of Authorization
Transmittal Date:	4/14/20

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R20
Tax Map Key(s):	430090060000
Land Area:	9375
Nature of Development: (Description of proposed structure or subdivision)	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.

- 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): 200 ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: - 0.6 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:

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PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

flat

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

carbonate sand and beach interrupted by Basalt headlands.

- ☐ 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)? _____

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

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

V. H. O'Brien

4-17-2020

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.

Ronnie Adams

Planning Director or designee

7.2.2020

Date

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)


Planning Director or designee

7.2.2020
Date

- ☐ Additional comments/conditions:



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision that is *not* exempt (pursuant to Part B) and requires a certified shoreline. Determination of applicability (Part A) from the Planning Director shall first be obtained.

Certified Shoreline	
Select the appropriate option: ☐ Certified Shoreline ☐ Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision) ☐ Average Lot Depth: _____ ft. ☐ Setback (Table 1 or Table 2): _____ ft. ☐ Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)	
_____ Planning Director or its designee	_____ Date

Public Projects less than \$125,000	
☐ Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2)) _____ Planning Director or designee _____ Date ☐ Certified Shoreline Required ☐ Certified Shoreline Not Required	

Describe proposed structure(s), including but not limited to the landscaping plan (please attach):

Explain how the proposed structure is in compliance with §8-27.8(c)(2) (attach additional information if necessary):



PLANNING DEPARTMENT SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

This part is the request for a shoreline setback variance. In addition to the documentation and information requested in Parts A, B, and C, the Applicant applying for a variance is required to submit all required information, per §8-27.9 listed in the checklist below.

- ☐ A non-refundable administrative fee of three hundred dollars (\$300.00).
- ☐ Certification from the owner or lessee of the lot which authorizes the application for variance;
- ☐ An environmental assessment and or EIS, if required, prepared in accordance with HRS Chapter 343, and the environmental impact statement rules and applicable guidelines of the State of Hawai'i;
- ☐ The names, addresses, and the tax map key identification of owners of real property situated adjacent to and abutting the boundaries of the land on which the proposed structure or subdivision and/or landscaping is to be located; or operation is to occur (attach information);
- ☐ A site plan of the shoreline setback area, drawn to scale, showing:
 - ☐ Existing natural and man-made features and conditions within;
 - ☐ Existing natural and man-made features and conditions along properties immediately adjacent to the shoreline setback area and proposed improvements;
 - ☐ The certified shoreline and the shoreline setback line (submitted under **Part B**);
 - ☐ Contours at a minimum interval of two (2) feet unless waived by the Director; and
 - ☐ Proposed development and improvements showing new conditions with a typical section (if a structure).
- ☐ A copy of the certified shoreline survey map of the property (submitted under **Part B**);
- ☐ Detailed justification of the proposed project, which addresses the purpose and intent of these rules and the criteria for approval of a variance (attach written statement);
- ☐ Analysis and report of coastal erosion rates and coastal processes; and
- ☐ Any other information required by the Director (listed below).

Any structure approved within the shoreline setback area by variance shall not be eligible for protection by shoreline hardening during the life of the structure, and this limitation and the fact that the structure does not meet setback requirements under §8-27.3 and could be subject to coastal erosion and high wave action shall be written into a unilateral agreement that is recorded by the Bureau of Conveyances of Land Court, as the case may be. A copy of the unilateral agreement shall be submitted to the Planning Department prior to the issuance of the required zoning and/or shoreline setback variance. Failure of the grantor to record these deed restrictions shall constitute a violation and the grantor shall be subject to the penalties set forth in this Article 3.

For any structure approved within the shoreline setback area by variance, 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 structure and this indemnification shall be included in the unilateral agreement required above.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 1. (This table is included for illustrative purposes only.)

Lots Included in the Kaua'i Coastal Erosion Study. The distance in feet of the shoreline setback line as measured from the certified shoreline based on the average lot depth in feet.

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

Average Lot Depth	Setback Line
Less than 140 feet (<140 feet)	40 feet plus (70 X annual coastal erosion rate) plus 20 feet
140 feet to 220 feet (140-220 feet)	Greater of: 40 feet plus (70 X annual coastal erosion rate) plus 20 feet -or- (Average Lot Depth minus 100 feet) $\div$ by 2 plus 40
Greater than 220 feet (>220 feet)	Greater of: 40 feet plus (70 X annual coastal erosion rate) plus 20 feet -or- 100 feet from the certified shoreline

View erosion rate maps from the County website at
<http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html>

Table 2. (This table is included for illustrative purposes only.)

Lots Not Included in the Kaua'i Coastal Erosion Study.

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

Setback Calculation	
(Average Lot Depth – 100/2+40) Subject to the Following:	
1	For lots with naturally occurring rocky shorelines, the shoreline setback line shall be <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits to increase setbacks where evidence exists that a proposed structure may be affected by coastal hazards or erosion.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

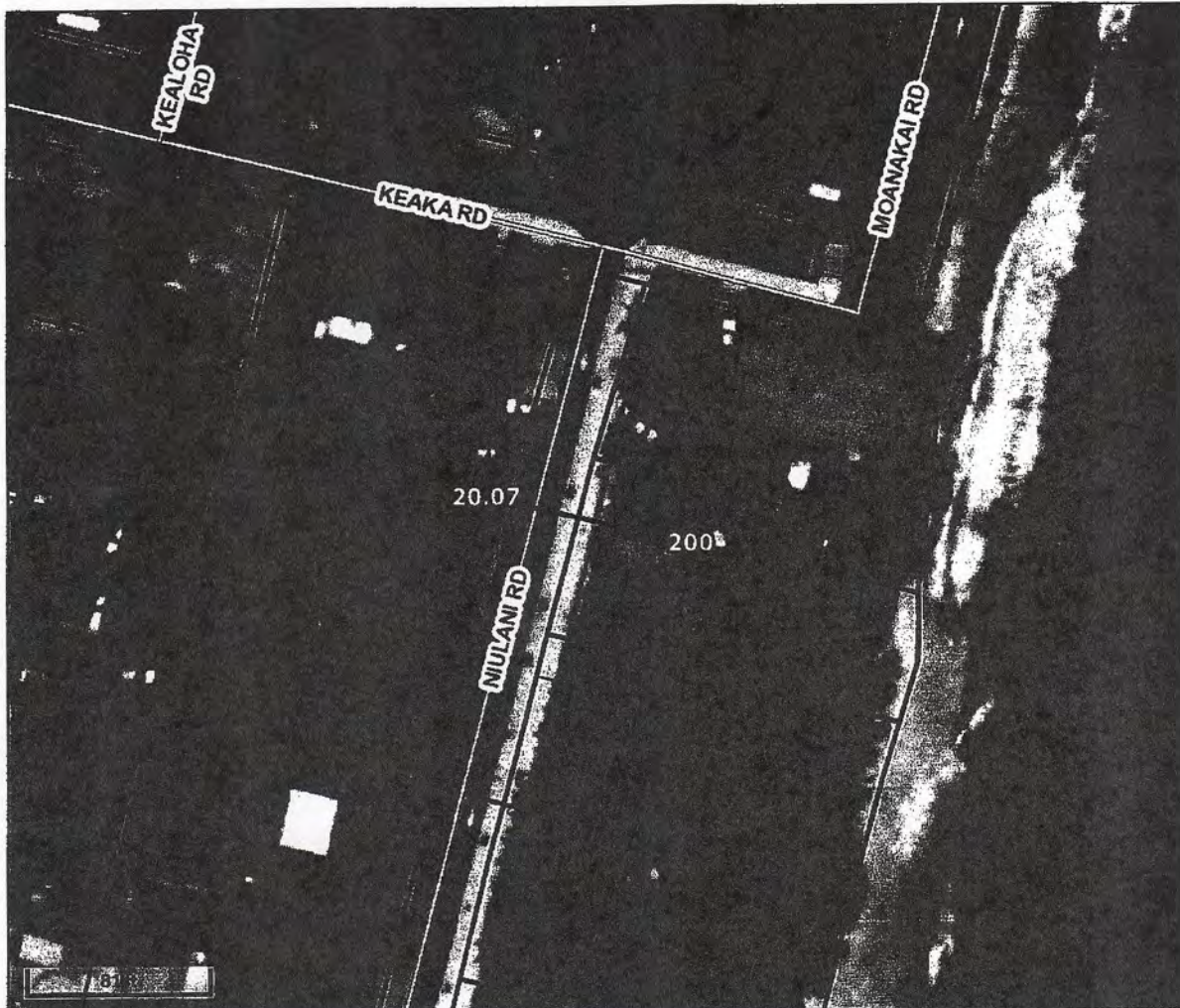
Table 3. This table is presented for **Exemption 3** (§8-27.7).

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	"Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs 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.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai'i Revised Statutes.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

(b)	The following conditions shall apply to any new structure permitted in the shoreline setback area:
(1)	All new structures shall be constructed in accordance with the standards for development in Chapter 15, Article 1, Flood Plain Management, Kaua'i County Code 1987, as amended, relating to coastal high hazard districts and FEMA guidelines regarding construction in areas mapped on Flood Insurance Rate Maps as flood hazard areas.
(2)	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 hazard and coastal erosion.
(3)	The applicant shall agree in writing for itself, its successors and assigns that the construction of any erosion-control or shoreline hardening structure and/or landscaping shall not be allowed to protect the permitted structure during its life, with the exception of approved beach or dune nourishment fill activities, and landscape planting and irrigation located more than forty feet (40') from the shoreline.
(4)	Unless otherwise provided, all new structures and/or landscaping shall not: (A) adversely affect beach processes, (B) artificially fix the shoreline, (C) interfere with public access or public views to and along the shoreline, (D) impede the natural processes and/or movement of the shoreline and/or sand dunes, or (E) alter the grade of the shoreline setback area.
(5)	All new structures shall be consistent with the purposes of this article and HRS Chapter 205A, as amended, and shall be designed and located to minimize the alteration of natural landforms and existing public views to and along to the shoreline.
(6)	The requirements of this 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 Section 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.



Overview



Legend

-  Parcels
-  Roads

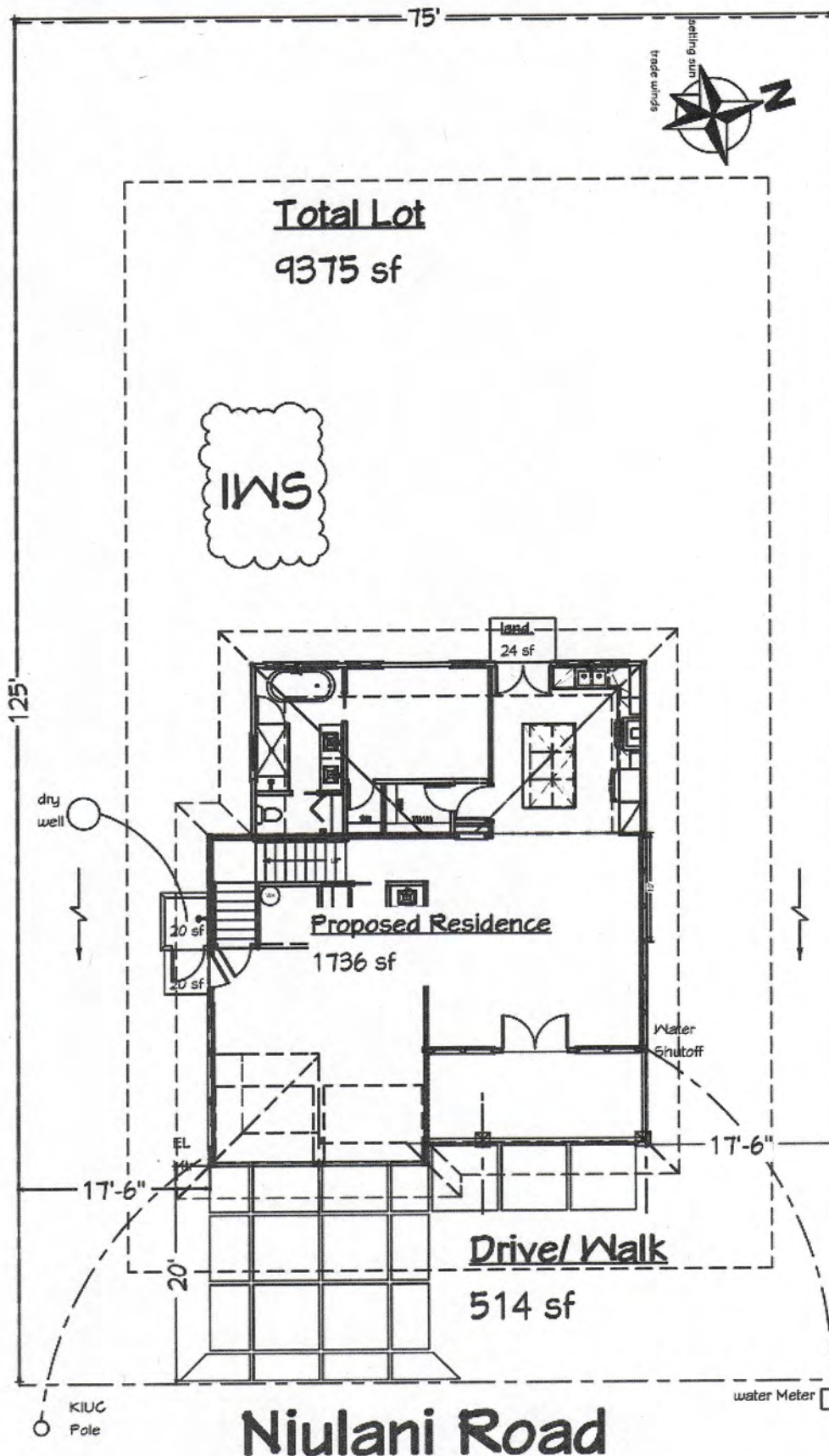
Parcel ID 430090060000	Situs/Physical Address 969 NIULANI RD	Total Market Value	\$329,400	Last 2 Sales		
Acreage 0.2152	Mailing Address ORTOLANO,VINCENT	Total Assessed Value	\$329,400	Date	Price	Reason
Class RESIDENTIAL	12401 WALKERWAY	Total Exemptions	\$0	n/a	0	n/a
	ALBUQUERQUE NM 87111	Total Net Taxable Value	\$329,400	n/a	0	n/a

Brief Tax Description n/a
(Note: Not to be used on legal documents)

The Geographic Information Systems (GIS) maps and data are made available solely for informational purposes. The GIS data is not the official representation of any of the information included, and do not replace a site survey or legal document descriptions. The County of Kauai (County) makes or extends no claims, representations or warranties of any kind, either express or implied, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose, as to the quality, content, accuracy, currency, or completeness of the information, text, maps, graphics, links and other items contained in any of the GIS data. In no event shall the County become liable for any errors or omissions in the GIS, and will not under any circumstances be liable for any direct, indirect, special, incidental, consequential, or other loss, injury or damage caused by its use or otherwise arising in connection with its use, even if specifically advised of the possibility of such loss, injury or damage. The data and or functionality on this site may change periodically and without notice. In using the GIS data, users agree to indemnify, defend, and hold harmless the County for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.

Date created: 4/15/2020
Last Data Uploaded: 4/15/2020 9:09:24 AM

Developed by  **Schneider**
GEOSPATIAL



Plot Plan

Scale: 1.00" = 10.00'



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

20 APR -6 A8:56

RECEIVED

FOR OFFICIAL USE ONLY:

SSD 2021 - 2

Acceptance Date:	7-2-2020
Website Posting Date:	7-6-2020
Determination Date:	7-2-2020
Planning Commission Date:	7-14-2020
Expiration Date:	7-2-2023
Planner Assigned:	RI

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: Neighborhood Housing Community Development Corporation, dba PAL Kaua'i a 501(c)(3) Non-Profit
Mailing Address: PO Box 679 Phone: 808-443-8868
Kilauea HI 96754 Email: Jim@PAL-Kauai.org

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.)
☒ Authorized Agent (Attach Letter of Authorization)

Transmittal Date: 3/30/2020

Project Information (attach additional sheets, if necessary)

County Zoning District: R-20 Tax Map Key(s): 4-4-3-9-71 and 51
Land Area: 36,861 sf, 0.864 acres

Nature of Development: 17 units of attached housing.
(Description of proposed structure or subdivision)

**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): 271.4 ft. ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: -0.5 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:

1 road, Niulani Road, 1 vacant parcel: TMK 4-4-3-9-49 and 1 parcel with SFR: TMK 4-4-3-9-48



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Flat

- ☒ 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)? _____

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

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

Jim Edmonds

Digitally signed by Jim Edmonds
Date: 2020.03.30 11:34:14 -10'00'

3/30/2020

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.

Ronnie Aden

Planning Director or designee

7.2.2020

Date

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)

Ronnie Aden

Planning Director or designee

7.2.2020

Date

☐

Additional comments/conditions:



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Part C

Shoreline Setback Determination (§8-27.8)

(This document is the request for a shoreline setback structure or subdivision determination form.)

Please complete this section if you are proposing a structure or subdivision that is *not* exempt (pursuant to Part B) and requires a certified shoreline. Determination of applicability (**Part A**) from the Planning Director shall first be obtained.

Certified Shoreline	
Select the appropriate option:	
☐	Certified Shoreline
☐	Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
☐	Average Lot Depth: _____ ft.
☐	Setback (Table 1 or Table 2): _____ ft.
☐	Affidavit: Statement of inability to certify shoreline, pursuant to §8-27.3(d)
_____	_____
Planning Director or its designee	Date

Public Projects less than \$125,000	
☐	Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))
_____	_____
Planning Director or designee	Date
☐	Certified Shoreline Required
☐	Certified Shoreline Not Required

Describe proposed structure(s), including but not limited to the landscaping plan (please attach):

--

Explain how the proposed structure is in compliance with §8-27.8(c)(2) (attach additional information if necessary):

--



PLANNING DEPARTMENT SHORELINE SETBACK VARIANCE

Part D

Shoreline Setback Variance (§8-27.9)

This part is the request for a shoreline setback variance. In addition to the documentation and information requested in Parts A, B, and C, the Applicant applying for a variance is required to submit all required information, per §8-27.9 listed in the checklist below.

- ☐ A non-refundable administrative fee of three hundred dollars **(\$300.00)**.
- ☐ Certification from the owner or lessee of the lot which authorizes the application for variance;
- ☐ An environmental assessment and or EIS, if required, prepared in accordance with HRS Chapter 343, and the environmental impact statement rules and applicable guidelines of the State of Hawai'i;
- ☐ The names, addresses, and the tax map key identification of owners of real property situated adjacent to and abutting the boundaries of the land on which the proposed structure or subdivision and/or landscaping is to be located; or operation is to occur (attach information);
- ☐ A site plan of the shoreline setback area, drawn to scale, showing:
 - ☐ Existing natural and man-made features and conditions within;
 - ☐ Existing natural and man-made features and conditions along properties immediately adjacent to the shoreline setback area and proposed improvements;
 - ☐ The certified shoreline and the shoreline setback line (submitted under **Part B**);
 - ☐ Contours at a minimum interval of two (2) feet unless waived by the Director; and
 - ☐ Proposed development and improvements showing new conditions with a typical section (if a structure).
- ☐ A copy of the certified shoreline survey map of the property (submitted under **Part B**);
- ☐ Detailed justification of the proposed project, which addresses the purpose and intent of these rules and the criteria for approval of a variance (attach written statement);
- ☐ Analysis and report of coastal erosion rates and coastal processes; and
- ☐ Any other information required by the Director (listed below).

Any structure approved within the shoreline setback area by variance shall not be eligible for protection by shoreline hardening during the life of the structure, and this limitation and the fact that the structure does not meet setback requirements under §8-27.3 and could be subject to coastal erosion and high wave action shall be written into a unilateral agreement that is recorded by the Bureau of Conveyances of Land Court, as the case may be. A copy of the unilateral agreement shall be submitted to the Planning Department prior to the issuance of the required zoning and/or shoreline setback variance. Failure of the grantor to record these deed restrictions shall constitute a violation and the grantor shall be subject to the penalties set forth in this Article 3.

For any structure approved within the shoreline setback area by variance, 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 structure and this indemnification shall be included in the unilateral agreement required above.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 1. (This table is included for illustrative purposes only.)

Lots Included in the Kaua'i Coastal Erosion Study. The distance in feet of the shoreline setback line as measured from the certified shoreline based on the average lot depth in feet.

LOTS INCLUDED IN KAUA'I COASTAL EROSION STUDY

Average Lot Depth	Setback Line
Less than 140 feet (<140 feet)	40 feet plus (70 X annual coastal erosion rate) plus 20 feet
140 feet to 220 feet (140-220 feet)	<u>Greater of:</u> 40 feet plus (70 X annual coastal erosion rate) plus 20 feet -or- (Average Lot Depth minus 100 feet) ÷ by 2 plus 40
Greater than 220 feet (>220 feet)	<u>Greater of:</u> 40 feet plus (70 X annual coastal erosion rate) plus 20 feet -or- 100 feet from the certified shoreline

View erosion rate maps from the County website at
<http://www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html>

Table 2. (This table is included for illustrative purposes only.)

Lots Not Included in the Kaua'i Coastal Erosion Study.

LOTS NOT INCLUDED IN KAUA'I COASTAL EROSION STUDY

Setback Calculation	
(Average Lot Depth – 100/2+40) Subject to the Following:	
1	For lots with naturally occurring rocky shorelines, the shoreline setback line shall be <u>no less than 40 feet.</u>
2	For all other lots, the shoreline setback line shall be <u>no less than 60 feet.</u>
3	For all lots, the <u>maximum</u> setback that can be required <u>shall be 100 feet.</u>

Non-Abutting Lots. If an Applicant is unable to secure permission from the abutting landowner to complete a certified shoreline for a non-abutting lot within approximately five hundred fifty (550) feet of the shoreline, the Planning Director may, pursuant to §8-4.3, impose conditions to zoning permits to increase setbacks where evidence exists that a proposed structure may be affected by coastal hazards or erosion.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

Table 3. This table is presented for **Exemption 3** (§8-27.7).

Permitted Structures within the shoreline setback area	
(a)	The following structures are permitted in the shoreline setback area. All structures and/or landscaping not specifically permitted in the section are prohibited without a variance.
(1)	Existing conforming and nonconforming structures/activities
(2)	Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
(3)	A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing on the shoreline setback area on June 16, 1989.
(4)	“Temporary structures” as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
(5)	A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
(6)	Repairs 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.
(7)	Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
(8)	A structure approved by the Director as a minor structure.
(9)	Qualified demolition of existing structures.
(10)	Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
(11)	Scientific studies and surveys, including archaeological surveys.
(12)	Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai‘i, the Mayor of the County of Kaua‘i or any other public official authorized by the law to declare an emergency.
(13)	Structures relating to film productions that have received a County Revocable Film Permit. Structures undertaken for film productions must be removed within thirty (30) days following the completion of the film production.
(14)	Structures required for remedial and removal actions undertaken pursuant to Chapter 128D of the Hawai‘i Revised Statutes.



PLANNING DEPARTMENT SHORELINE SETBACK INFORMATION

(b)	The following conditions shall apply to any new structure permitted in the shoreline setback area:
(1)	All new structures shall be constructed in accordance with the standards for development in Chapter 15, Article 1, Flood Plain Management, Kaua'i County Code 1987, as amended, relating to coastal high hazard districts and FEMA guidelines regarding construction in areas mapped on Flood Insurance Rate Maps as flood hazard areas.
(2)	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 hazard and coastal erosion.
(3)	The applicant shall agree in writing for itself, its successors and assigns that the construction of any erosion-control or shoreline hardening structure and/or landscaping shall not be allowed to protect the permitted structure during its life, with the exception of approved beach or dune nourishment fill activities, and landscape planting and irrigation located more than forty feet (40') from the shoreline.
(4)	Unless otherwise provided, all new structures and/or landscaping shall not: (A) adversely affect beach processes, (B) artificially fix the shoreline, (C) interfere with public access or public views to and along the shoreline, (D) impede the natural processes and/or movement of the shoreline and/or sand dunes, or (E) alter the grade of the shoreline setback area.
(5)	All new structures shall be consistent with the purposes of this article and HRS Chapter 205A, as amended, and shall be designed and located to minimize the alteration of natural landforms and existing public views to and along to the shoreline.
(6)	The requirements of this 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 Section 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.

APPLICANT'S AUTHORIZATION

1. APPLICANT AND AUTHORIZED AGENT

Name: Jim Edmonds
President of Neighborhood Housing Community Development Corporation
dba PAL Kaua'i a 501©(3) Non-Profit

Address: PAL Kauai, PO Box 679, Kilauea HI 96754

Telephone: 808-443-8868

Email: Jim@PAL-Kauai.org

2. PROPERTY

OWNER: Creighton Fujii Family Trust
4-870 Kuhio Hwy, Kapaa HI 96746
Kauai Tax Map Keys: 4th -4-3-9-parcels 71 and 51

CONTACT: Eric Yama, Broker, Kaua'i Realty
Eric@EricYama.com (808) 639-3414

3. AUTHORIZATION

The Owner hereby authorizes the Authorized Agent to apply for and process the Shoreline Setback Determination Application.

DocuSigned by:

CREIGHTON S. FUJII, TRUSTEE

220BA3AA292744F...

dated 3/27/2020

CREIGHTON FUJII, TRUSTEE/OWNER

Wailua Bay, Kauai, Hawaii

SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

HISTORICAL SHORELINES

- Feb 1927 T-sheet
- Nov 1960
- Mar 1972
- Apr 1975
- Jul 1987
- May 1988
- Sept 1992
- May 1992
- Sept 2000
- Feb 2002
- Oct 2007
- Jan 2008

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) bathymetric 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.

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.

AREA DESCRIPTION

The Wailua study area (transects 145 – 337) is located on the east coast of Kauai. The shoreline is composed of carbonate sand beach interrupted by basalt headlands, hardened shoreline and boulder groins. A fringing reef extends offshore the length of Waipouli Beach. The area is exposed to persistent tradewinds and rough seas throughout the year.

Overall, the area is experiencing insignificant erosion at an average rate of -0.3 ft/yr. The area lends itself to division into four portions. The most northern portion (transects 145 – 212) extends south from Waikaele Canal to a small discharge canal near transect 212. This section is part of Waipouli Beach and has experienced erosion over time with an average rate of -0.5 ft/yr. The rest of Waipouli Beach to the south (transects 214 – 287) has experienced erosion at an average rate of -0.4 ft/yr. Between Alakulua Point and a boulder revetment to the south is a 600 ft length of beach (transects 289 – 300). This portion has experienced erosion with an average rate of -1.1 ft/yr. Wailua Beach (transects 302 – 337) has experienced accretion with an average rate of 0.6 ft/yr. Previous studies¹ found similar trends in shoreline change for the Wailua study area.

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 Rate (ft/yr)

Shoreline Change Rate (ft/yr)

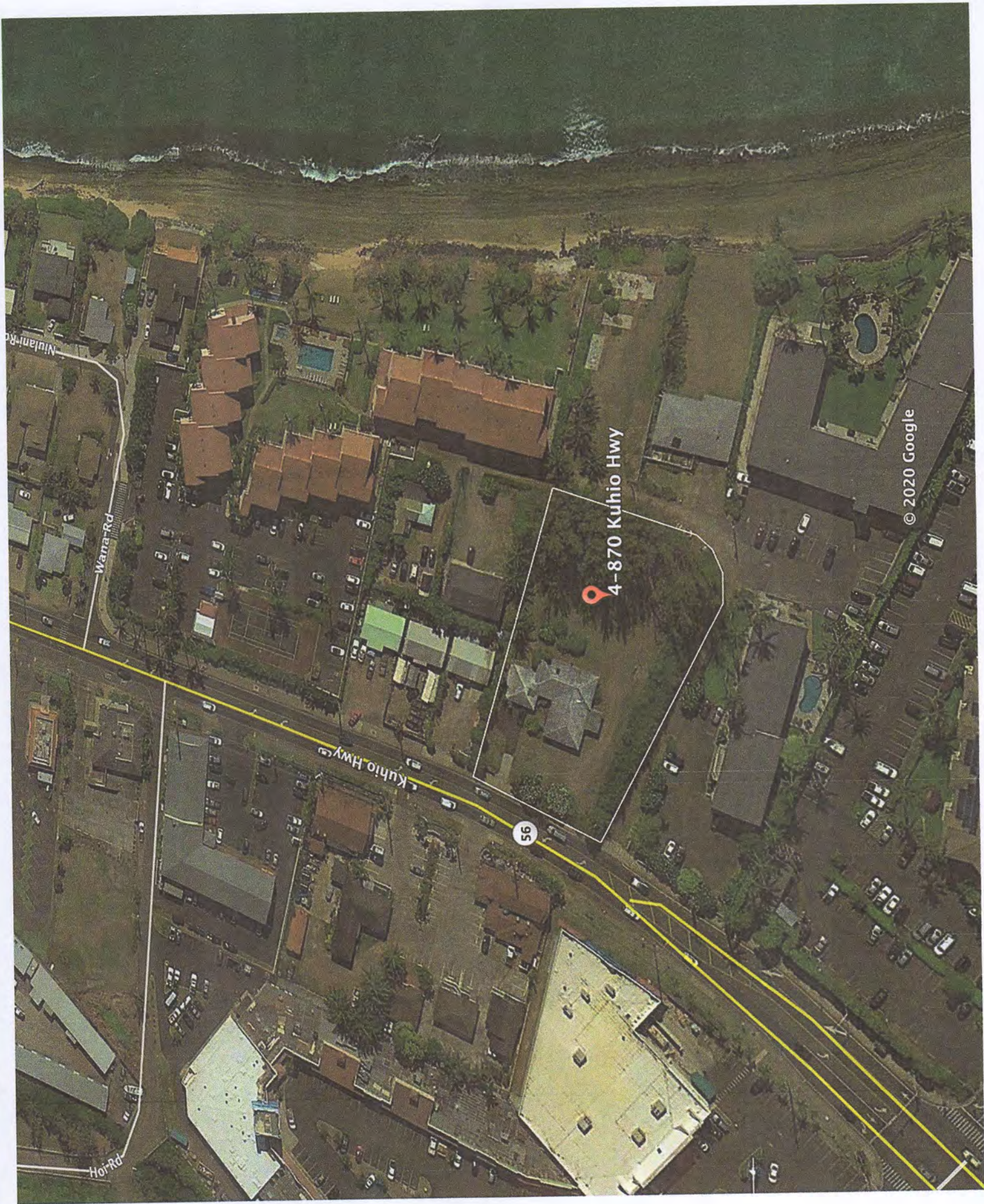
Scale 1:3000

UTM coordinates
22°52'30" N 159°20'00" W

The preparation of this poster was funded in part by the Coastal Zone Management Act of 1972, as amended, administered by the Office of Ocean and Coastal Resources 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-Chyng Lin, 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.

USGS
science for a changing world



4-870 Kuhio Hwy

56

Kuhio Hwy

Wana-Rd

Hoi-Rd

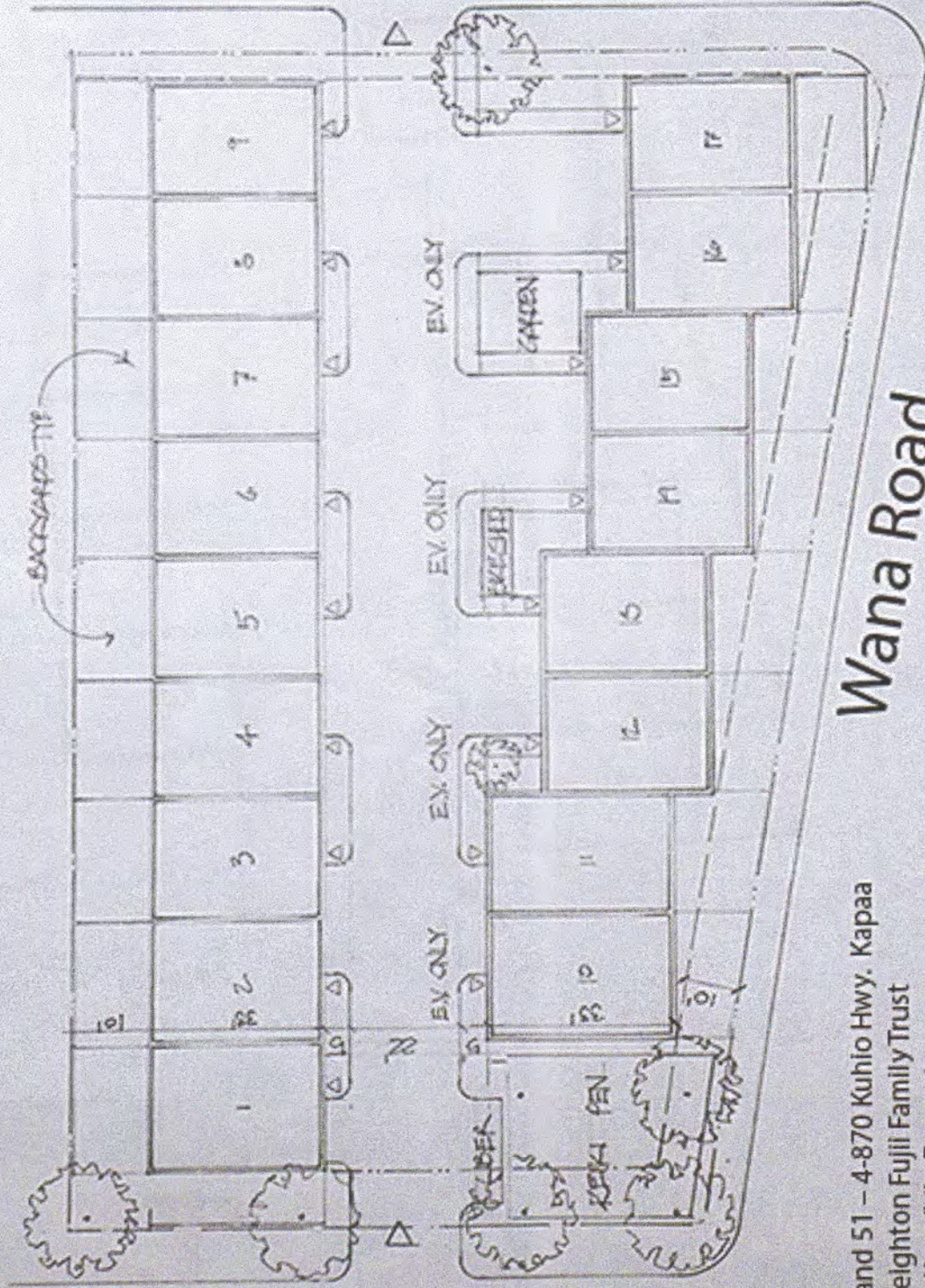
Niuani-Rd

© 2020 Google

Kuhio
Hwy

Niulani
Road

Wana Road



4-4-3-9-71 and 51 - 4-870 Kuhio Hwy. Kapaa

OWNER: Creighton Fujii Family Trust

BUYER: PAL Kaua'i (In Escrow)

A 501(c)(3) Non Profit Corporation

CONTACT: Jim Edmonds, President

(808) 443-8868 Jim@PAL-Kauai.org

At Least 85% Affordable Units

Layer List Legend

Quick Links:

- Property Search
- View Map

Layers:

- ☒ Parcels
- ☒ CPR Units
- ☐ Parcel Numbers
- ☐ Address Numbers
- ☐ CPR Numbers
- ☐ Roads
- ☒ Yearly Sales
- ☒ Aerials (2014-2016)

[Restore Layer Defaults](#)

Length: 270.1 feet

Area: 0 acres

Clear



Results:

Parcel ID - 430090510000

Address - NIULANI RD

Owner - FUJICREIGHTON FAMILY TRUST

Acres - 0.4494

View Report | Sketches | Pictometry Imagery | Google Maps opens in a new tab

Parcel ID 430090510000

Acreage 0.4494

Class RESIDENTIAL

Brief Tax Description

Site/Physical Address NIULANI RD

Mailing Address FUJICREIGHTON FAMILY TRUST

PO BOX 1115

KAPAA HI 96746

LOT 29 LD CT APP 276 MAP 4 10828 SF LOT 30 LD CT APP 276 MAP 4 8750 SF TOG/FESMT

(Note: Not to be used on legal documents)

Total Market Value \$502,800

Total Assessed Value \$502,800

Total Exemptions \$0

Total Net Taxable Value \$502,800

Last 2 Sales

Date	Price	Reason
n/a	0	n/a
n/a	0	n/a

LAND COURT
TERRITORY OF HAWAII

LAND COURT APPLICATION 276

SUBDIVISION OF LOT 18 AS SHOWN ON MAP 3
INTO LOTS 19 TO 45 (INCLUSIVE)

AT WAIPOULI, PUNA, KAUAI, T. H.



Schuman Building
Honolulu, T.H.
June 6, 1947

Registered Professional Surveyor
No. 111

OWNER: LILLIAN CLAYTON BREWER
Owner's Certificate of Title: 5586

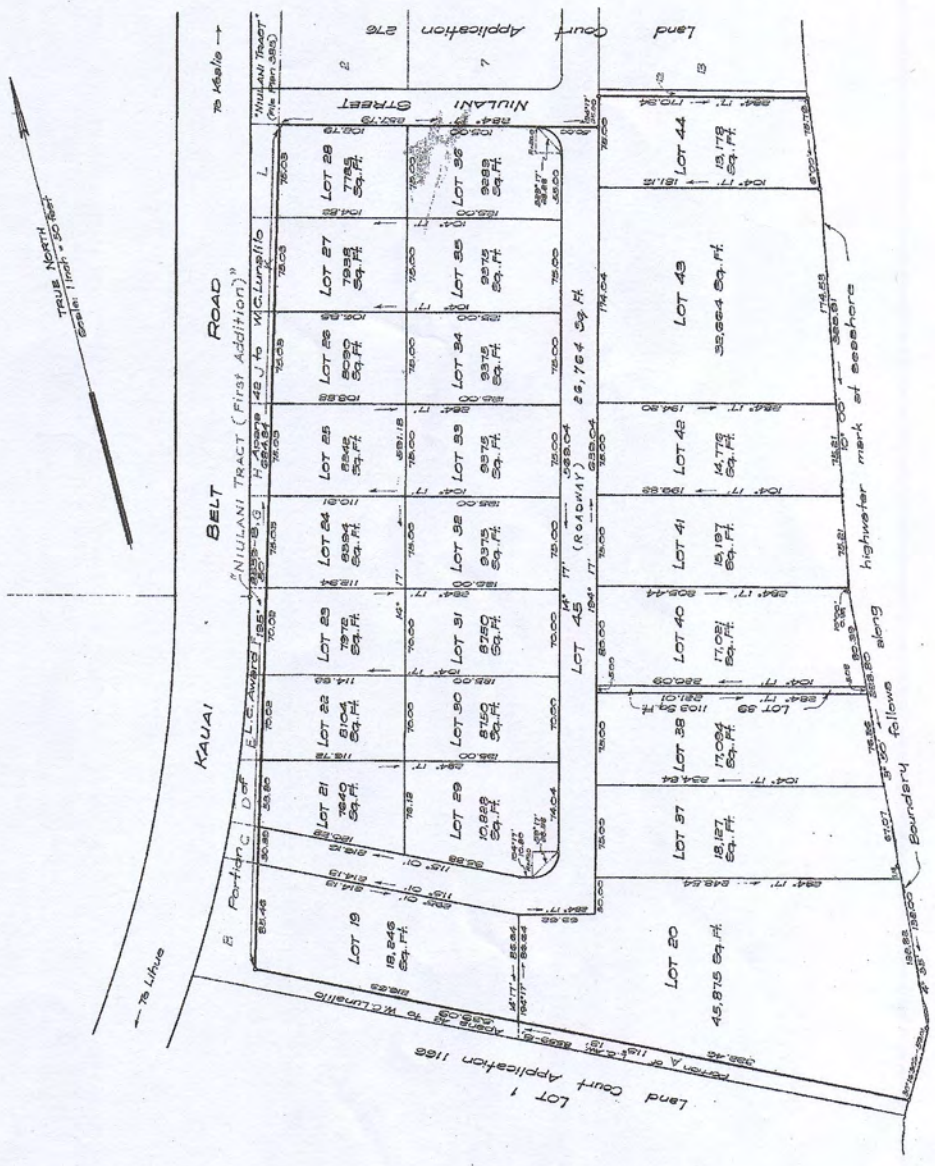
AUTHORIZED AND APPROVED BY ORDER OF
THE JUDGES OF THE LAND COURT DATED 2/25/1945.

BY ORDER OF THE COURT

W. L. Lull
REGISTERAR OF THE LAND COURT

Filed Sept 8, 1947
Charles W. Allen
Attorney at Law

See Map Key: 4th Div. 4-9-09



SEA

Wailua Bay, Kauai, Hawaii

SHORELINE CHANGE RATES

- Accretion Rate
- Erosion Rate

HISTORICAL SHORELINES

- Feb 1927 T-sheet
- Nov 1950
- Mar 1972
- Apr 1975
- Jul 1987
- May 1988
- Sept 1992
- May 1992
- Sept 2000
- Feb 2002
- Oct 2007
- Jan 2008

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 (SCR).

Movement of the SCR along shore-normal transects (spaced every 66 ft) is used to calculate erosion rates.

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AREA DESCRIPTION

The Wailua study area (transects 146 - 337) is located on the east coast of Kauai. The shoreline is composed of carbonate sand beach interrupted by basalt headlands, hardened shoreline and boulder groins. A fringing reef extends offshore the length of Waipouli Beach. The area is exposed to persistent tradewinds and rough seas throughout the year.

Overall, the area is experiencing insignificant erosion at an average rate of -0.3 ft/yr. The area lends itself to division into four portions. The most northern portion (transects 146 - 212) extends south from Wailua Canal to a small discharge canal near transect 212. This section is part of Waipouli Beach and has experienced erosion over time with an average rate of -0.5 ft/yr. The rest of Waipouli Beach to the south (transects 214 - 287) has experienced erosion at an average rate of -0.4 ft/yr. Between Alakau Point and a boulder revetment to the south is a 600 ft length of beach (transects 289 - 300). This portion has experienced erosion with an average rate of -1.1 ft/yr. Wailua Beach (transects 302 - 337) has experienced accretion with an average rate of 0.6 ft/yr. Previous studies¹ found similar trends in shoreline change for the Wailua study area.

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Shoreline Change Rate (ft/yr)

Scale 1:3000

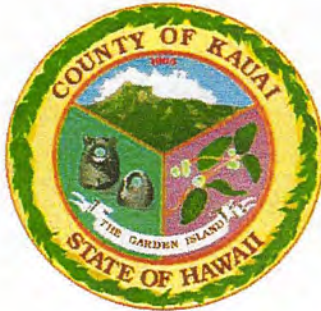
UTM coordinate
22Q3 12 N
100°03 12 W
ellipsoid angle coordinate



The preparation of this study was funded in part by the Coastal Zone Management Act (CZMA), as authorized and administered by the Office of Coastal Resources Management, Hawaii Department of Land and Natural Resources, and the U.S. Department of the Interior, Bureau of Ocean Energy Management, Geospatial Science and Technology Division.

Charles Fletcher, Matthew Bartow, Siang-Chyn Lim,
Matt Dyer and Ajaysha Genz
University of Hawaii Coastal Geology Group
School of Ocean and Earth Sciences and Technology
1600 East West Road, Honolulu, HI 96822, U.S.A.

USGS
United States Geological Survey



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 2021 - 3

Acceptance Date:	7.6.2020
Website Posting Date:	7.6.2020
Determination Date:	7.6.2020
Planning Commission Date:	N/A
Expiration Date:	7.6.2021
Planner Assigned:	RI

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:	J&C Property, LLC		
Mailing Address:	c/o Cades Schutte LLP 3135 Akahi Street, Suite A, Lihu'e, HI 96766	Phone:	(808) 521-9297
		Email:	mtrask@cades.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.	
☒	Authorized Agent	Attach Letter of Authorization	
Transmittal Date: _____			

Project Information (attach additional sheets, if necessary)

County Zoning District:	Open	Tax Map Key(s):	(4) 5-3-006:018
		Land Area:	0.2984 acres
Nature of Development: (Description of proposed structure or subdivision)	Repair, maintenance and interior alterations to existing single-family residential structure.		

**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): 68.7 ft.
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: eroding: 0.1 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:

Anini Road lot lies between the property and the shoreline.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Topography is flat. Lowest elevation is 8.3 ft., highest 9.5 ft.

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

Sandy rough 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)? VE flood zone

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

Not to Applicant's knowledge

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.

Ronnie Adew

Planning Director or designee

7.6.2020

Date

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)

Planning Director or designee

7.6.2020

Date

☐

Additional comments/conditions:



DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHILIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

Application too large to upload.
If you would like a copy of the
application please feel free to
email Romio Idica at
ridica@kauai.gov
Thank you very much!

