



## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	2020 - 31
Acceptance Date:	1/21/20
Website Posting Date:	1/22/20
Determination Date:	1/21/20
Planning Commission Date:	1/28/20
Expiration Date:	1/28/21
Planner Assigned:	JL

**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	
<i>Coconut Plantation Beach Investments LLC</i>	
Applicant:	Association of Unit Owners (AOUO) of Kauai Kailani Condominiums c/o Garry Weber
Mailing Address:	4-856 Kuhio Highway Kape'a, HI 96746
Phone:	(541) 517-3333
Email:	garry@rapidpizza.net
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 <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
Transmittal Date:	December 19, 2019

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RR-20
Tax Map Key(s):	4) 4-3-007:027
Land Area:	11.7830 acres
Nature of Development: (Description of proposed structure or subdivision)	Temporary sand stockpile area related to a beach restoration project. Sand stockpile area will be returned to its original conditions at the end of construction.

**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): 240 140 ft. *per letter attached*
2. Property is Not Abutting the Shoreline
  - Proposed project's approximate distance from shoreline (based on aerial map): \_\_\_\_\_ ft.
3. Additional Information:
  - Shoreline Change (Erosion/Accretion) Rate: -0.3 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:

TMK 4-3-007:027 is an undeveloped area with ironwood and coconut trees. No structures exist on the parcel. There are no roads, buildings, or structures between the shoreline and the parcel.



**PLANNING DEPARTMENT  
SHORELINE SETBACK APPLICATION**

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

The topography of the parcel is mainly flat. Elevation ranges from 19 feet at the west end of the parcel along Hana Highway through the majority of the parcel until it gets to the shoreline, where it slopes down to beach elevation.

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 X

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

None to our 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]* 12-16-2019  
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.

*[Signature]*  
Planning Director or designee

1-21-20  
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

\_\_\_\_\_  
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	
<b>Select the appropriate option:</b>	
<input type="checkbox"/>	Certified Shoreline
<input type="checkbox"/>	Survey Map (showing Certified Shoreline, Shoreline Setback, and Structure(s) OR Subdivision)
<input type="checkbox"/>	Average Lot Depth: _____ ft.
<input type="checkbox"/>	Setback (Table 1 or Table 2): _____ ft.
<input type="checkbox"/>	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	
<input type="checkbox"/>	Public Projects less than \$125,000 Declaration ((§8-27.8(c)(2))
_____	_____
Planning Director or designee	Date
<input type="checkbox"/>	Certified Shoreline Required
<input type="checkbox"/>	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):

--



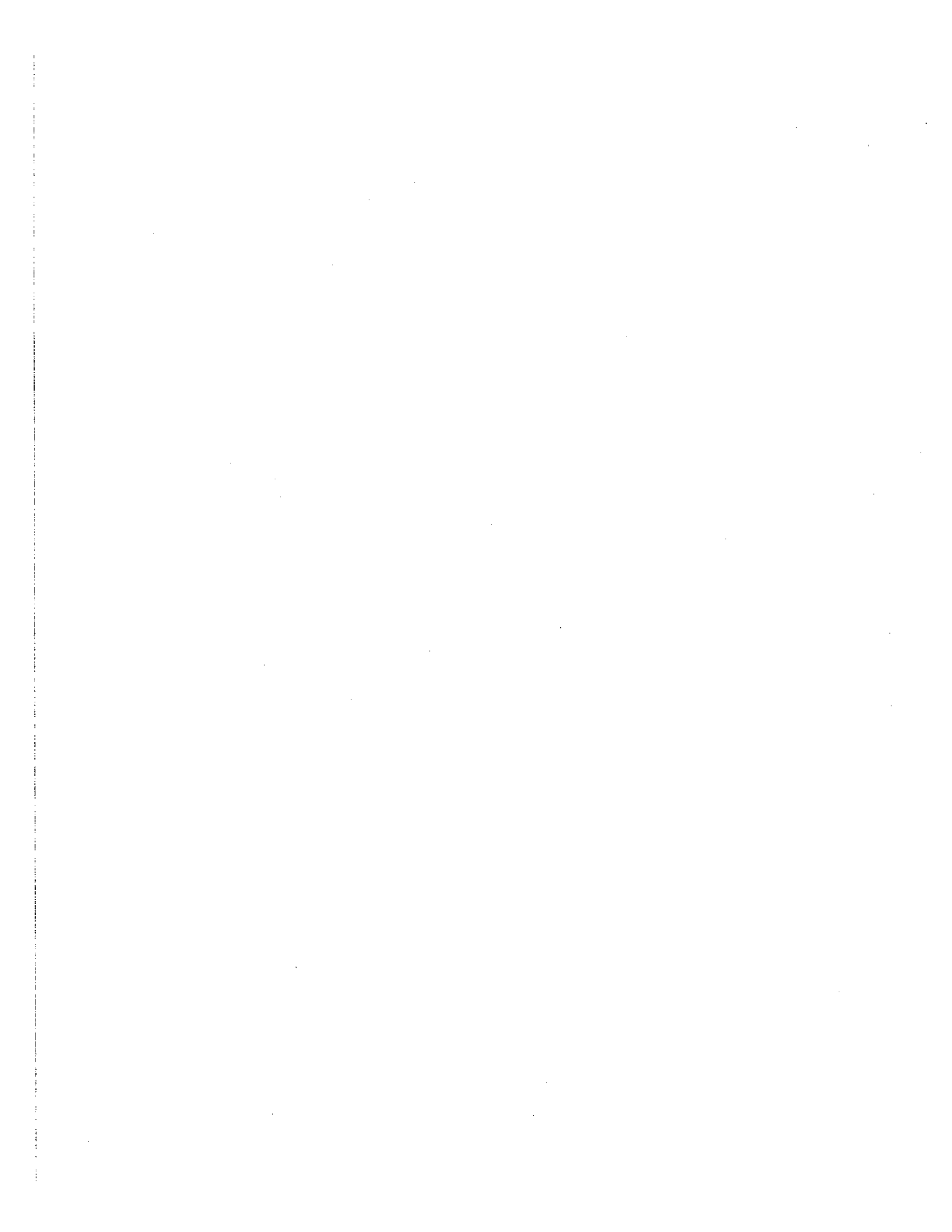
KAUAI KAILANI EROSION CONTROL  
SHORELINE SETBACK DETERMINATION CALCULATION  
SAND STOCKPILE AREA

Due to its proximity to the ocean, the proposed sand stockpile area (Tax Map Key [4] 4-3-007:027) is located in a shoreline setback area (Kauai County Code [KCC] §8-27.1). The site, therefore, needs to be in compliance with Ordinance Number [No.] 979: Kauai County Shoreline Setback and Coastal Protection Ordinance and outside of the shoreline setback area.

**Tax Map Key [4] 4-3-007:027 – Sand Stockpile Site**

The average depth of the parcel is approximately 910 feet. Since the average lot depth is greater than 200 feet, the *minimum setback is 100 feet for parcel 4-3-007:027*.

The sand stockpile site will be located approximately 140 feet *mauka* (landward) of the shoreline setback line and outside of the Shoreline Setback Area (See Figure 1).



November 22, 2019.

Subject: Associated Permit and Certification Applications for  
Groin and Beach Nourishment at the Kauai Kailani Association Premises  
Kapaa, Kauai, Hawaii  
Tax Map Keys: (4) 4-3-009:041; (4) 4-3-008:017; (4) 4-3-007:027

Dear Sir or Madam,

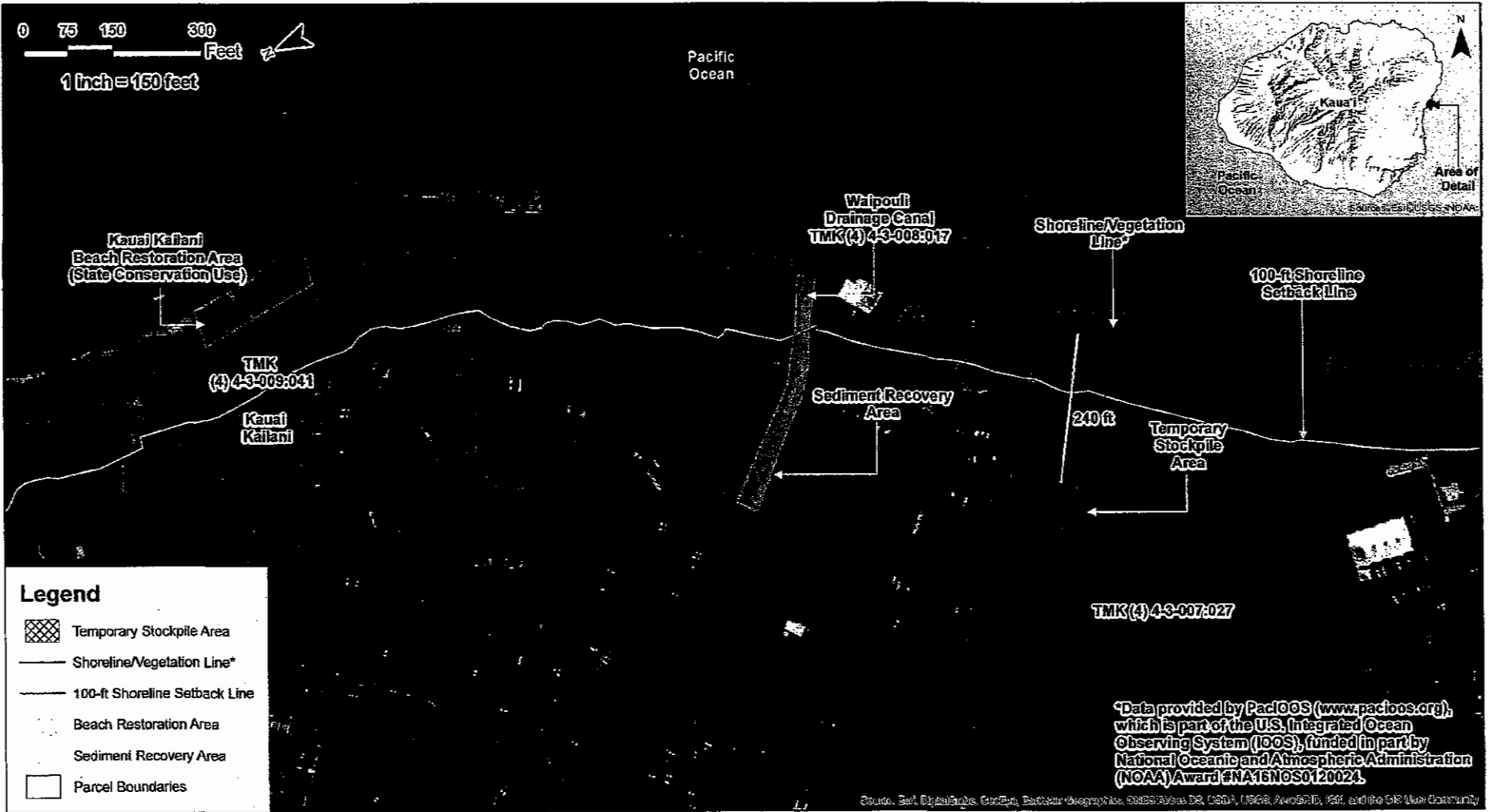
This letter is to authorize the Association of Unit Owners (AOUO) of Kauai Kailani Condominiums and its agent Dr. Michael Foley of Oceanit to submit permit and certification applications on behalf of the Coconut Plantation Beach Investors, LLC. The above referenced project includes construction activities within several Tax Map Keys, including (4) 4-3-007:027 owned by Coconut Plantation Beach Investors LLC.

Very truly yours,



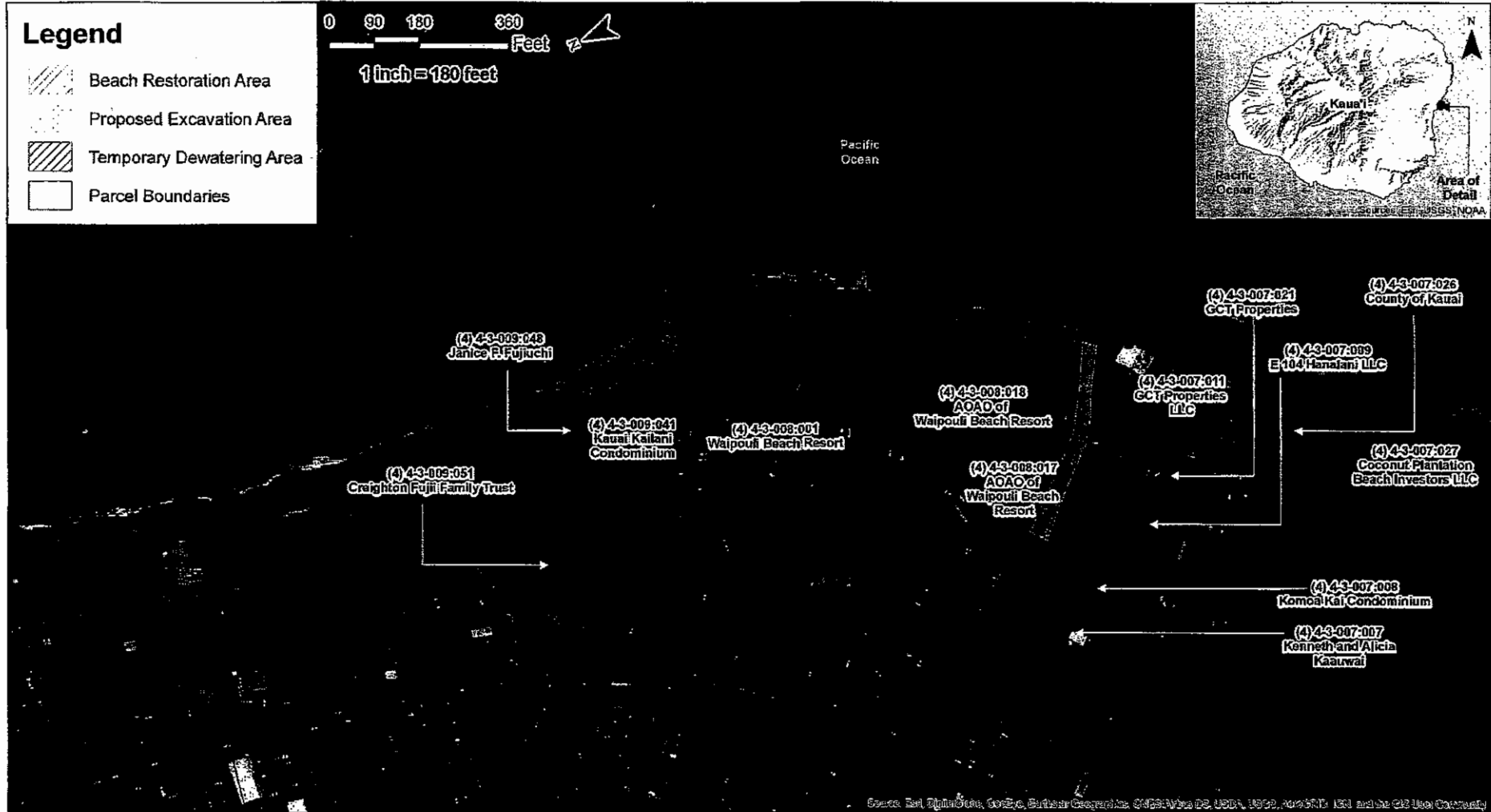
Coconut Plantation Beach Investors LLC  
1717 Akahi St  
Honolulu, HI 96819-4265

Cc: Mr. Garry Weber, AOUO of Kauai Kailani  
Mr. Brian Mose, AOUO of Kauai Kailani  
Mr. Jay Bornstein, AOUO of Kauai Kailani  
Mr. John Sorgenfrei, AOUO of Kauai Kailani  
Dr. Michael Foley, Oceanit



	<b>Kauai Kailani Beach Restoration</b>	<b>Figure 1</b>
	<b>Shoreline Setback Determination Kauai Kailani Association of Apartment Owners</b>	





**Kauai Kailani Beach Restoration**  
**Tax Map Key Boundaries and Owners**  
**Kauai Kailani Association of Apartment Owners**

**Figure**  
**2**

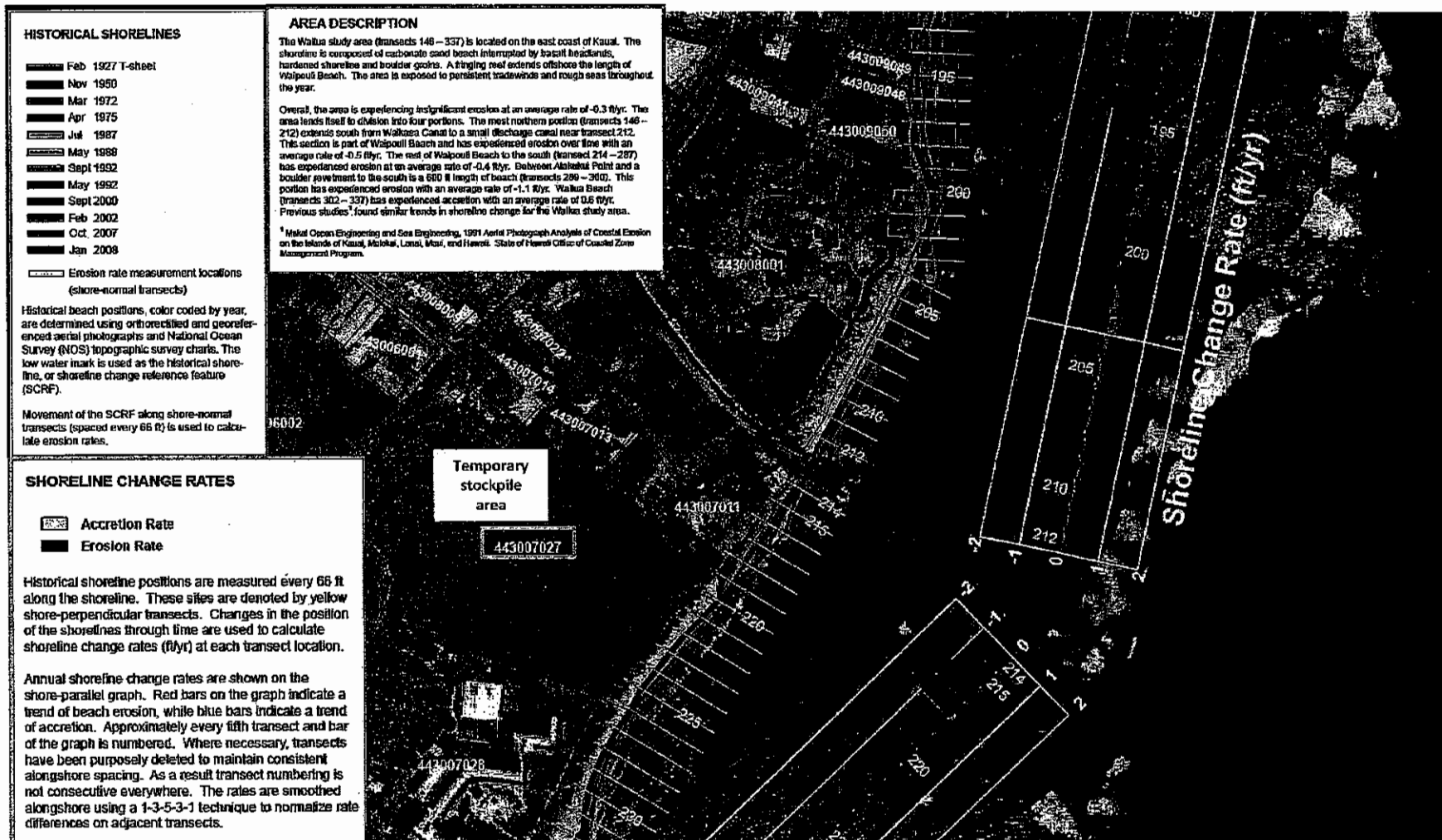


Figure 1: Annual Erosion Rates (UH Coastal Geology Group, 2009)

# National Flood Hazard Layer FIRMette



## Legend

SEE HIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>		Without Base Flood Elevation (BFE) Zone AE, AG, AH, VE, AR
		With BFE or Depth Zone AE, AG, AH, VE, AR Regulatory Floodway
<b>OTHER AREAS OF FLOOD HAZARD</b>		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes, Zone X
<b>OTHER AREAS</b>		Area with Flood Risk due to Levee Zone D
		Area of Minimal Flood Hazard Zone X
<b>GENERAL STRUCTURES</b>		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
<b>GENERAL STRUCTURES</b>		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
<b>OTHER FEATURES</b>		20.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
<b>MAP PANELS</b>		Digital Data Available
		No Digital Data Available
		Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

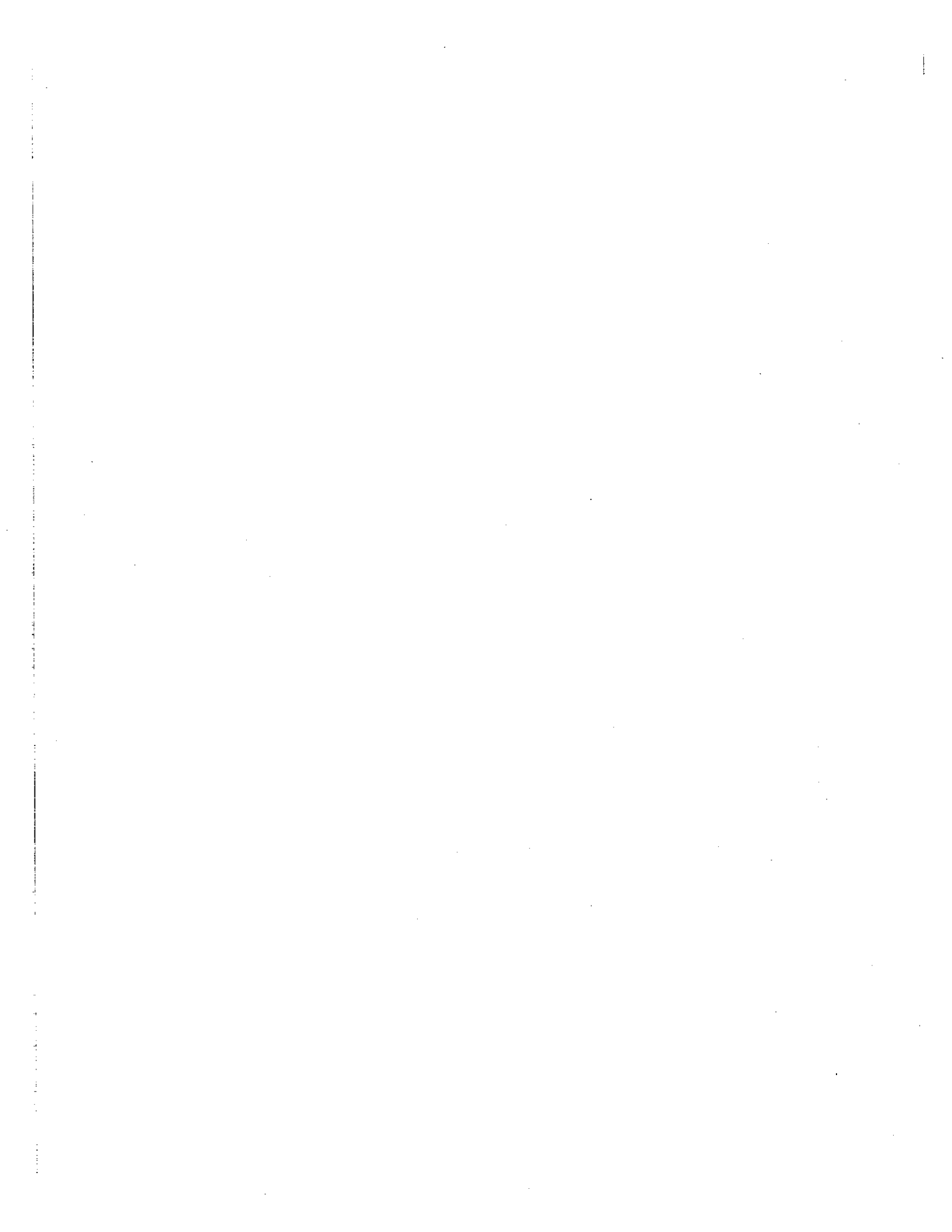
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

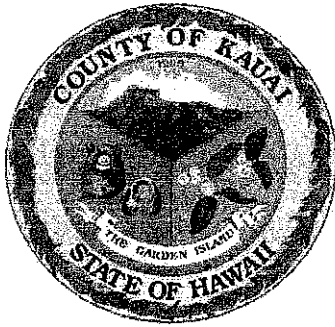
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/22/2019 at 10:21:36 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



USGS The National Map, Orthoimagery, Data refreshed October, 2017. 22°3'20.33"N





## PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 32	
Acceptance Date:	1/21/20
Website Posting Date:	1/22/20
Determination Date:	1/21/20
Planning Commission Date:	1/28/20
Expiration Date:	1/28/23
Planner Assigned:	JL

**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>Aubrey Summers. Architecture 808 for John Featherman</u>	
Mailing Address: <u>4225 Kanikele St. Kilauea HI</u>	Phone: <u>808-938-2817</u> Email: <u>aubreysummers808@gmail.com</u>
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 <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
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>R-4</u>	Tax Map Key(s): <u>5-5-005:025</u>
	Land Area: <u>10,004</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Construction of new single family residence 15FT MAUKA OF EXIST DEMO AND RECONSTRUCTION.</u>

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

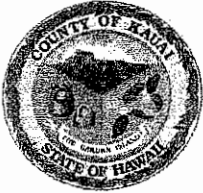
**Part A**

**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): 401 ft.
3. Additional Information:
  - Shoreline Change (Erosion/Accretion) Rate: +1.4 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:

State Park, Parcels 5-5-005:013, 014 and Weke Road exist between the shoreline and subject parcel.



# PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Relatively flat topography.

- 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)? xs \_\_\_\_\_

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

Flooding of Weke road within the last two years.

### 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

Aubrey Summers

Digitally signed by Aubrey Summers  
Date: 2020.01.07 14:23:41 -10'00'

1/7/2020

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.

\_\_\_\_\_  
Planning Director or designee

1-21-20  
\_\_\_\_\_  
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)

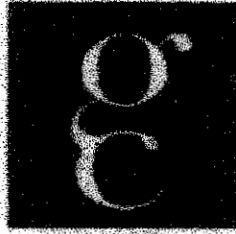
Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

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

1-21-20  
\_\_\_\_\_  
Date

Additional comments/conditions:



**GRASSY CREEK, LLC**

January 8, 2020

**County of Kauai - Department of Public Works Building Division**

**4444 Rice Street, Suite 175**

**Lihue, HI 96766**

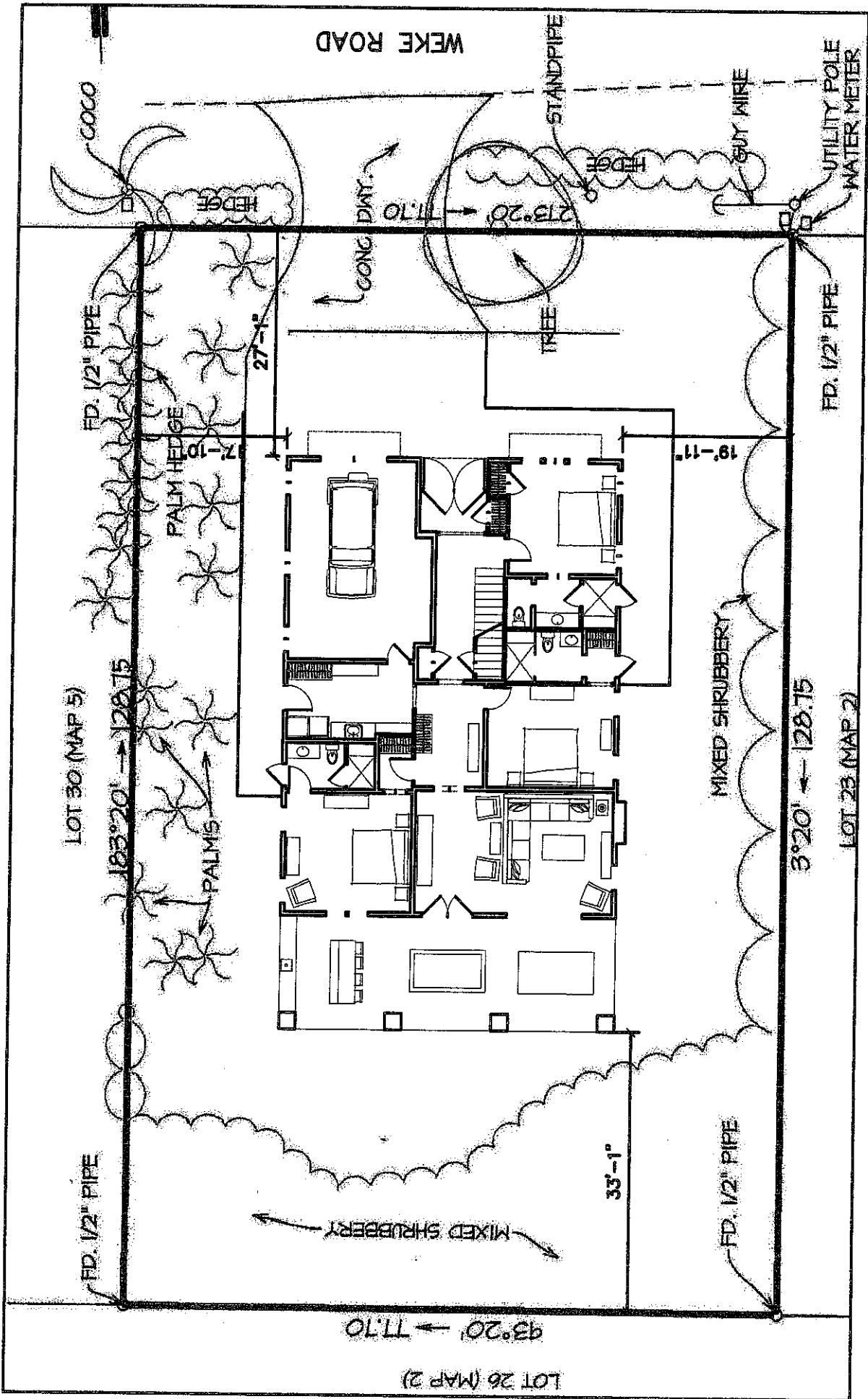
**Dear County of Kauai:**

**This letter is to inform you that I have authorized Aubrey Summers (TMK 5-5-005:025) to obtain permits in my name for the residence at 5539 Weke Road, Hanalei, HI 96714. Please contact my assistant, Rachael Gardner at 970-319-4822 or [rgardner@grassy creek.ni](mailto:rgardner@grassy creek.ni) if you have any questions.**

**Sincerely,**

**John Featherman**





WEKE ROAD

LOT 30 (MAP 5)

183'20" ← 128'75"

FD. 1/2" PIPE

FD. 1/2" PIPE

FD. 1/2" PIPE

3'20" ← 128'75"

LOT 23 (MAP 2)

MIXED SHRUBBERY

FD. 1/2" PIPE

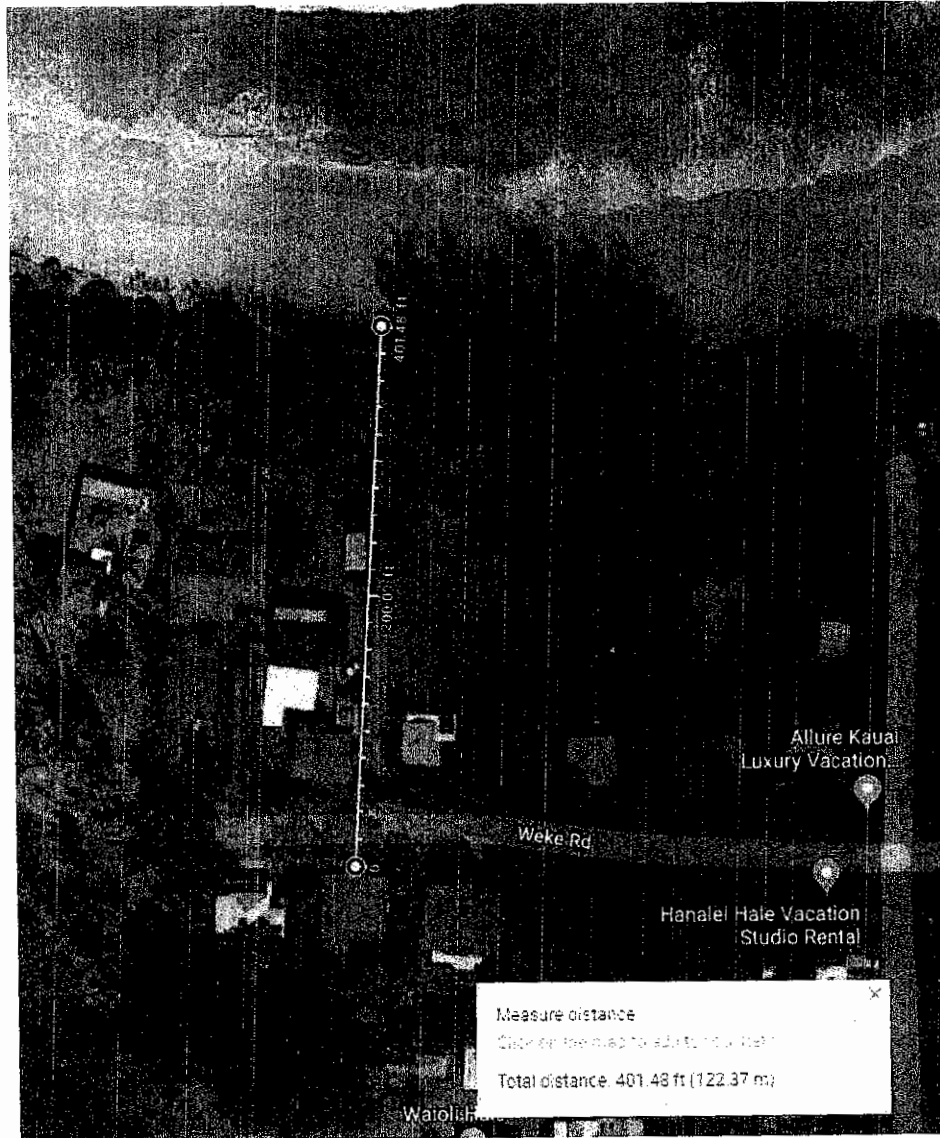
33'-1"

MIXED SHRUBBERY

93'20" ← 11'10"

LOT 26 (MAP 2)

TMK 5-5-005:025  
SSD PLOT PLAN



TMK 5-5-005:025  
SSD  
APPLICANT  
AUBREY SUMMERS  
ARCHITECTURE 808  
808-938-2817