

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	201 <u>8</u> - <u>4</u>
Acceptance Date:	<u>7-14-17</u>
Website Posting Date:	<u>7-18-17</u>
Determination Date:	<u>7-14-17</u>
Planning Commission Date:	<u>7-25-17</u>
Expiration Date:	<u>7-14-20</u>
Planner Assigned:	<u>JLC</u>

rev.

3-5-18
3-6-18
3-27-18
3-27-21
JL/MAD

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:	J. Michale Will, P.E./ Construction Operation Engineer FHWA
Mailing Address:	12300 W. Dakota Avenue Suite 380 Lakewood CO 80228
Phone:	1-720-963-3647
Email:	Michael.Will@dot.gov
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:	April 7, 2016

Project Information (attach additional sheets, if necessary)	
County Zoning District:	Kawailau District
Tax Map Key(s):	TMKs: [4] 4-6-014-024 por., 031 por., 033 por., 090 por., 092 por.; [4] 4-7-4
Land Area:	
Nature of Development: (Description of proposed structure or subdivision)	The State of Hawaii Department of Transportation (HDOT), proposes improvements to (1) the intersection of Kuhio Highway and Mailehuna Road and (2) the Kapaa Stream Bridge on the Island of Kauai. This project would reconfigure the intersection by constructing a roundabout. The existing two-span bridge would be replaced with a slightly longer and wider single-span bridge along the same alignment.

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

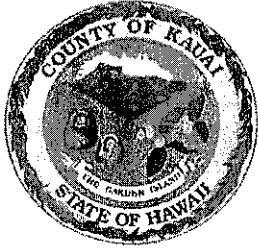
Part A

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
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: 126'-158'
- ☒ Additional Information:
☒ Closest distance of improvement(s) from Shoreline is approximately 126' ft.
☐ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

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PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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Planner Assigned:	

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

The existing highway is positioned above the shoreline at an approximate 21 feet above sea level.

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

The shoreline is beach and rocky outcropping

- ☐ 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 _____

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

The project is located in a tsunami evacuation zone and floodplain, and is subject to coastal hazards.

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

Signature

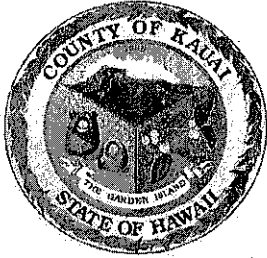
Date

Applicability (to be completed by Planning Department)

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

Planning Director or designee

Date



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

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.

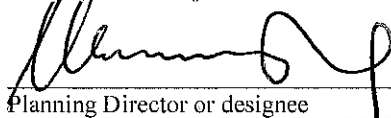
☐ **Exemption 3**

Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)

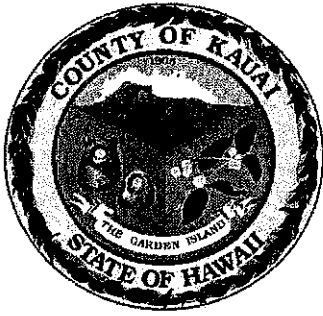
- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

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 requirements established under §8-27.8.


Planning Director or designee


Date



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 201 8-37

Acceptance Date:	<u>3-5-18</u>
Website Posting Date:	<u>3-6-18</u>
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

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: Tower Kauai Lagoons Retail, LLC
Mailing Address: 3351 Hoolaulea Way Phone: 808-241-6046
Lihue, HI 96766 Email: gsiracusa@hokualakauai.com

Applicant's Status: (Check one)

- | | |
|---|---|
| <input checked="" type="checkbox"/> Owner of the Property | (Holder of at least 75% of the equitable and legal title) |
| <input type="checkbox"/> Lessee of the Property | Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization. |
| <input type="checkbox"/> Authorized Agent | Attach Letter of Authorization |

Transmittal Date: _____

Project Information (attach additional sheets, if necessary)

County Zoning District: CG General Commercial, Open Tax Map Key(s): (4) 3-5-001:173
Land Area: 7.65 Acs

Nature of Development: (Description of proposed structure or subdivision) Repair and refurbish an existing lawfully permitted commercial retail center formerly known as 'Fashion Landing'. The center is comprised of six buildings with a total of 34,672 square feet of retail/commercial space.

**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): 317 ft. **See Exhibit G**
- Additional Information:
☒ Shoreline Change (Erosion/Accretion) Rate: -1 ft./year. **See Exhibit G**
(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:

TMK (4) 3-5-001:027 (The Ocean Golf Course, Holes 13 and 14) owned by Tower Kauai Lagoons Golf, LLC (another LLC under the same overarching ownership entity for all of Hokuala: Tower Kauai Lagoons, LLC) is the only parcel located between the Shoreline and the CG commercial/retail center.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
The topography of the previously developed site is relatively flat and existing building floor elevations range from 88.0 feet to 92.0 feet at the restaurant to 95.0 feet for the retail buildings. The site abuts the man-made lagoon amenity on its west side, golf course on both the east and south sides and parking/open area on the north side.

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
The project does not abut the natural shoreline which is typically described as rocky in the general area with rock outcrops, gravel and stones. The topography in the area ranges in height from 3 ft. to more than 30 ft.

☐ 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

[Signature]

Signature

28 FEB 2018

Date

Applicability (to be completed by Planning Department)

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

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

[Signature] 3-5-18
Planning Director or designee Date

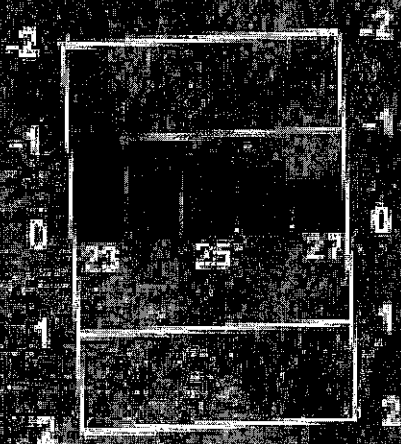
If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

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. See Exhibit G
- ☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc. See Exhibit B
- ☐ Building Permit Number (If building plans submitted)

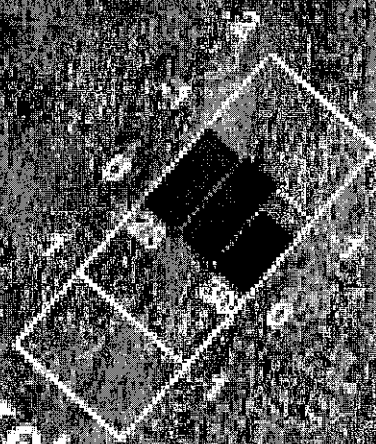
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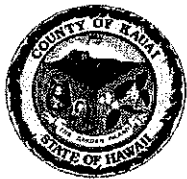
Ninini
Beach



Shoreline
Change
Rate (ft/yr)

Shoreline
Change
Rate (ft/yr)





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. **See Exhibit D**

☐ **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

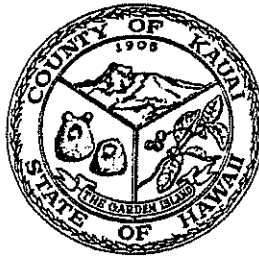


Additional comments/conditions:

Apr. 7, 2009 letter attached

BRYAN J. BAPTISTE
MAYOR

GARY K. HEU
ADMINISTRATIVE ASSISTANT



IAN K. COSTA
DIRECTOR OF PLANNING

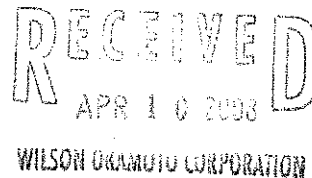
IMAICALANI P. AIU
DEPUTY DIRECTOR OF PLANNING

COUNTY OF KAUAI
PLANNING DEPARTMENT
4444 RICE STREET
KAPULE BUILDING, SUITE A473
LIHU'E, KAUAI, HAWAII 96766-1326

TELEPHONE: (808) 241-6677 FAX: (808) 241-6699

April 7, 2008

Frances Yamada
Senior Planner
Wilson Okamoto Corporation
1907 Beretania Street
Artesian Plaza, Suite 400
Honolulu, HI 96826



Subject: Statement of Non-Applicability Regarding Ordinance No. 863 Relating to
Shoreline Setback and Coastal Protection

Dear Ms. Yamada,

This is to confirm receipt of your letter dated February 19, 2008 relating to the subject matter and the supplementing document entitled "Coastal Erosion and Hazard Assessment for the Kauai Lagoons" dated March 26, 2008 prepared by Sea Engineering Inc.. Your letter and Coastal Erosion and Hazard Assessment are submitted in reference to an application for proposed amendments to Special Management Area Use Permit SMA(U)-2005-8, Project Development Use Permit U-2005-25, Class IV Zoning Permit Z-IV-2005-30, and a Special Permit that is pending scheduling for public hearing procedures. Under the subject permits, design and permitting are ongoing for 343 resort-residential units in the Fashion Landing commercial area, Inn on the Cliffs area, and the existing tennis court complex area. In proximity to the coastal assessment area, amendments to the aforementioned permits will include but not limited to the following:

- implementation of a revised site plan for the balance of the resort development approved under the subject permits;
- implementation of single-family residential lot subdivisions;
- redevelopment of a portion of the Fashion Landing commercial area into a commercial facility with restaurant and new golf clubhouse;

Ms. Frances Yamada
April 7, 2008
Page 2

- relocation and reconfiguration of the Kiele 14th and 15th fairway and greens as previously acknowledged under the permit approvals; and
- also as previously acknowledged under the permit approvals, final site layout development plans for two (2) public recreation/picnic shelters, showers and restroom facilities, and an unimproved public lateral shoreline access.

Ord. No. 863

Section 8-27.1 (Applicability) of the newly adopted Shoreline Setback and Coastal Protection Rules and Regulations states:

“This Article shall be applicable to all lands within the County of Kauai State Of Hawaii, that are (a) abutting the shoreline, or (b) located within five hundred feet of the shoreline unless the applicant can demonstrate to the satisfaction of the Planning Director that the applicant’s proposed improvement will not be affected by coastal erosion or hazards, excluding natural catastrophes. Factors to be considered shall include, but not be limited to proximity of shoreline, topography, properties between the shoreline and applicant’s property, elevation, and the history of coastal hazards in the area”.

In response to your request for a statement of Non-Applicability, the Planning Department references and acknowledges the following findings of the Coastal Erosion and Hazard Assessment by Sea Engineering:

Shoreline Characteristics

1. The majority of the shoreline is characterized as a volcanic rock sea shore ranging in height and topography from 3 feet to more than 30 feet.
2. Known shoreline features that can be described in the assessment area include:

a. Kukii Point to Running Waters Beach

Kukii Point is a wave cut rock bench backed by 30-foot high sheer rock cliffs that becomes irregular in shape and topography moving east towards Running Waters Beach.

b. Running Waters Beach

Running Waters Beach, a small pocket beach, is located in the center of the assessment area. The beach is narrow but is reported by locals to exist

Ms. Frances Yamada

April 7, 2008

Page 3

all year round with the size of the beach coinciding with the seasonal changes. Summer periods are known to build the beach while winter kona storm waves erode the beach.

c. Cobble Beach

A cobble beach bound by steep solid rock sea cliffs is located immediately east of Running Waters Beach.

d. Pocket Beach

Further east of the cobble beach is a small sand pocket beach with the near-shore topography indicating that this is a natural storm drainage area from the upper lands.

e. Pocket Beach to Ninini Point

The shoreline east of this pocket beach is composed of boulders at the toe of the rock promontory.

Coastal Hazards

Based on the Atlas of Natural Hazards in the Hawaiian Coastal Zone, the overall hazard assessment for the Nawiliwili Bay vicinity is moderately high primarily due to its exposure to tsunami waves and its exposure to south swell and storm waves. Shoreline erosion hazard is rated moderately low.

The assessment area is designated a VE zone (coastal flood with velocity hazard) with a base flood elevation of 11 to 12 feet above sea level.

Relative to prevailing wave action, the Atlas of Natural Hazards in the Hawaiian Coastal Zone rates the wave action as moderately low, with seasonal high waves typically 4 to 6 feet. South summer swells generally move sand shoreward and build the pocket beaches while winter storm waves erode the beaches.

Based on the Kauai Island Hurricane Vulnerability Study, Determination of Coastal Inundation Limits estimated that wave run-up in the assessment area is approximately 14 to 20 feet for typical and worst case storms, respectively.

Ms. Frances Yamada

April 7, 2008

Page 4

Coastal Erosion

The assessment area is primarily a solid volcanic basalt shoreline, and any erosion would be based on a geologic time scale of thousands of years. The rocky shoreline, in effect, provides natural protection for the proposed resort improvements from erosion hazards.

Determination

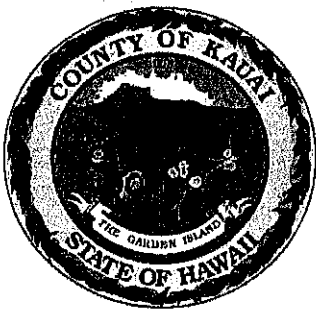
The Planning Department concurs with the foregoing findings of the "Coastal Erosion and Hazard Assessment for the Kauai Lagoons" and concludes the following:

1. The solid lava basalt rock in the assessment area would not be subject to adverse erosion conditions.
2. The proposed resort improvements are not in and located above coastal hazard zones including typical and worst case scenario storms and hurricanes.
3. The proposed resort improvements will not result in any hardening of the near shoreline area, and therefore will not affect natural coastal processes.
4. Excluding natural coastal catastrophes, the Applicant's proposed resort improvements will not be adversely affected by coastal erosion or hazards.

Based on the foregoing, it is determined that the provisions of Ord. No. 863 does not apply to the Applicant's proposed amendments to Special Management Area Use Permit SMA(U)-2005-8, Project Development Use Permit U-200-25 and Class IV Zoning Permit Z-IV-2005-30.

Please contact Bryan Mamaclay of our staff at 241-6677 if you have any questions.


IAN K. COSTA
Planning Director



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201	8-38
Acceptance Date:	3-5-18
Website Posting Date:	3-6-18
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

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>Caitlin Palmer</u>	
Mailing Address: <u>Box 1697</u>	Phone: <u>807-841-1394</u>
<u>Hanalei, HI 96714</u>	Email: <u>Caitlin.palmer89@gmail.com</u>
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>R-4</u>	Tax Map Key(s): <u>4-5-8-012-024</u>
	Land Area: <u>12,627 ft.</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>Add stairway to access KULC panel on house</u>

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

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

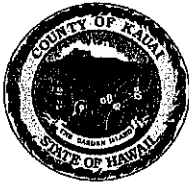
- Property is Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 365.7 ft.
- Property is Not Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Additional Information:
 - ☐ Shoreline Change (Erosion/Accretion) Rate: -0.5 ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
 - ☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

Carbonate sand and beach rock = composition of shoreline
Between this parcel and shoreline is: 1 residential (empty/wooded) lot

(1)

Kuhio Hwy
1 public beach Access/Fishing spot.

+ Google map w/ distance



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Flat 10.39 feet highest to 4.19 lowest.

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

Carbonate Sand and beach rock

- ☐ 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

Carl [Signature]

Signature

2/22/18

Date

Applicability (to be completed by Planning Department)

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

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

[Signature]
Planning Director or designee

3-5-18
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).

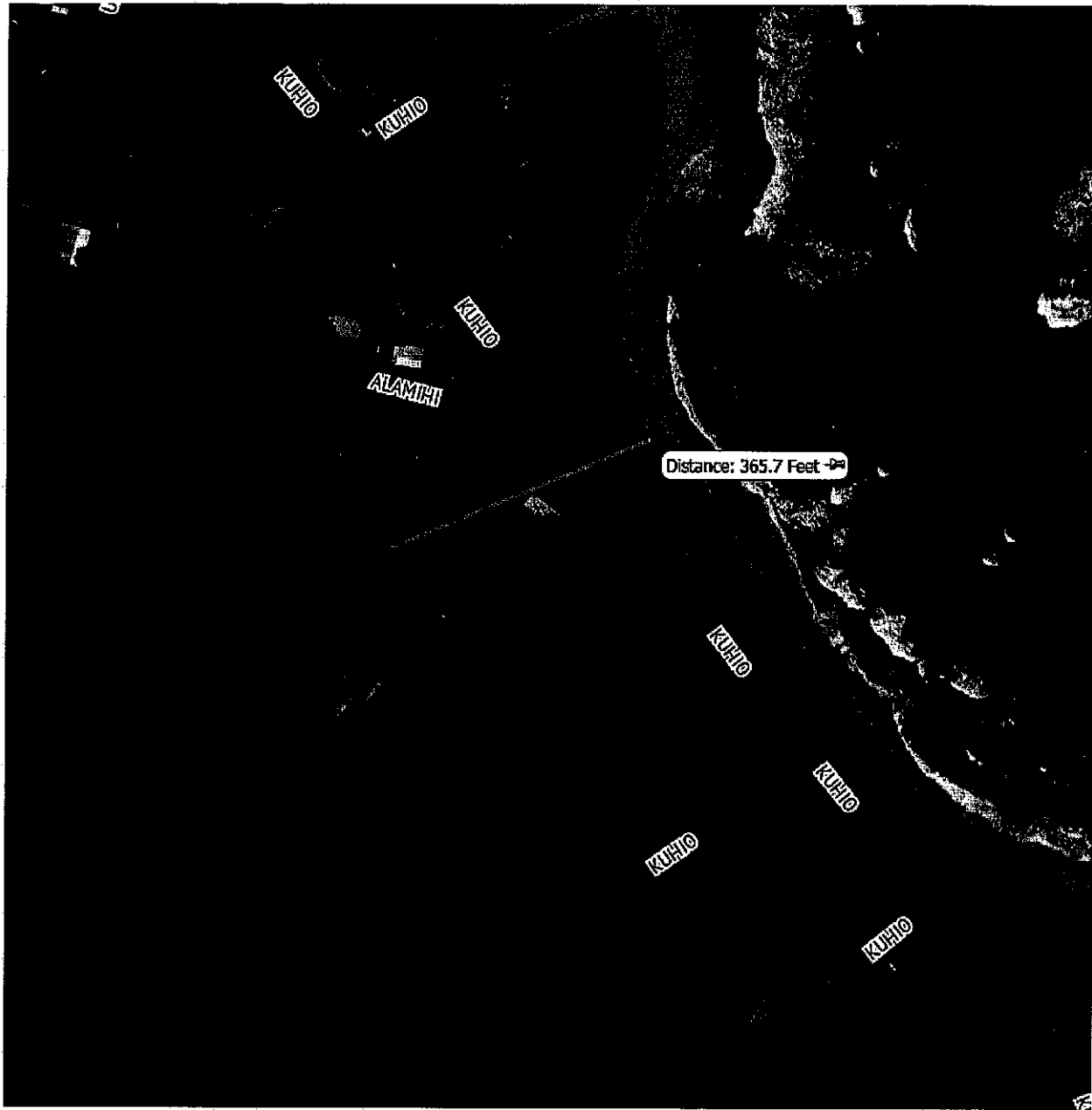
Exemption Determination (to be completed by Planning Department)

- ☐ 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

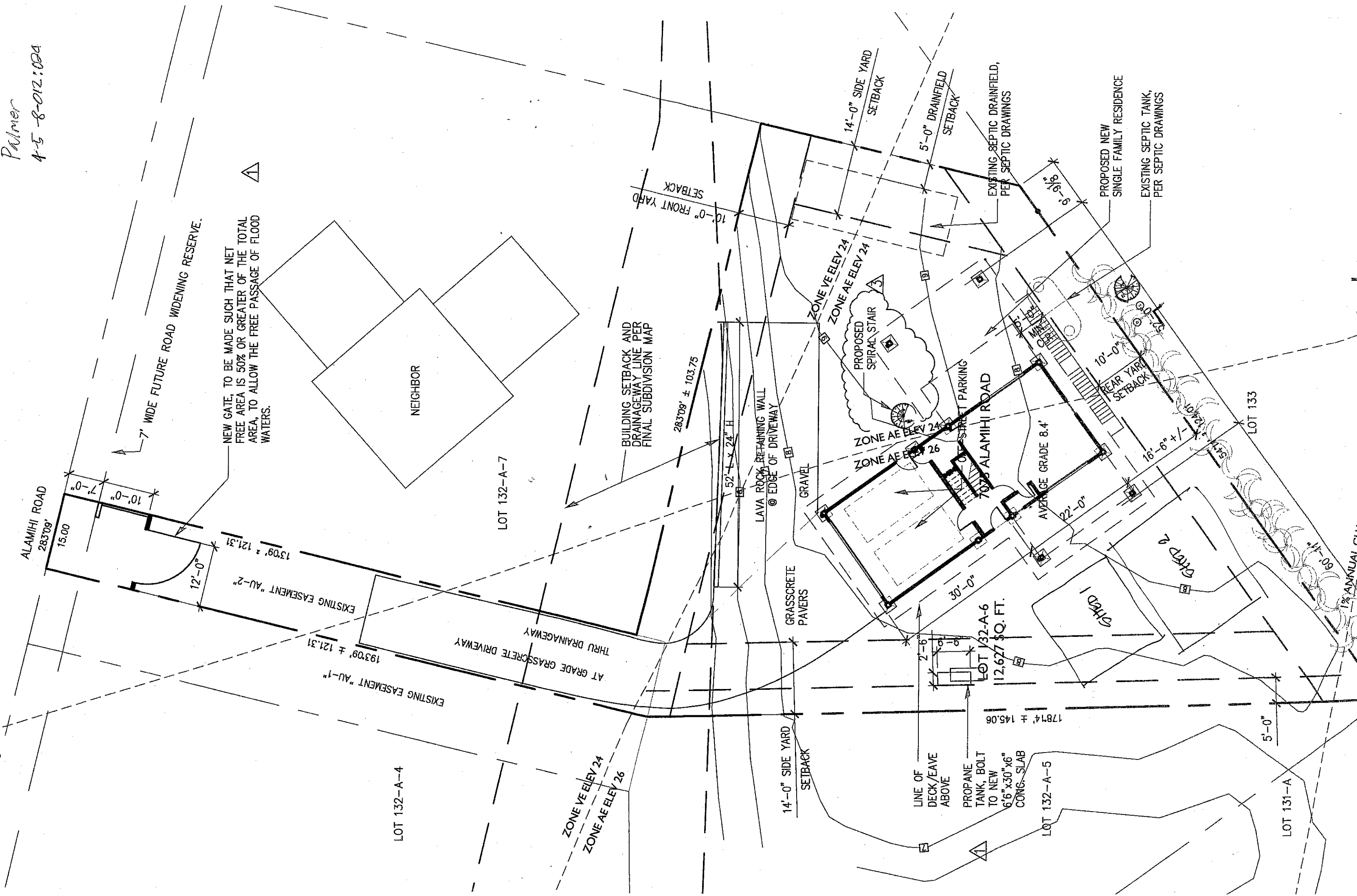
Date

☐ **Additional comments/conditions:**



TMK 5-8-012:24
Palmer/ Coombs

Palmer
4-5 8-012:004





PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:

SSD 201 8-39

Acceptance Date: 3-5-18

Website Posting Date: 3-6-18

Determination Date:

Planning Commission Date:

Expiration Date:

Planner Assigned:

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: STEWART NEIL HUSBAND

Mailing Address: BOX 516 LAWAI, KAWAI, HI. 96765

Phone: 808 332 9045

Email: NEALHUSBAND@G.MAIL.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:

(4)

Tax Map Key(s):

1-6-6-11 UNIT 'A'

Land Area:

3.799 sq ft.

Nature of Development:
(Description of proposed structure or subdivision)

SMALL RESIDENTIAL HOME (1200 sq ft approx).
2 STOREY / 2 BED / 2 BATH.

**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): 325 ft.

3. Additional Information:

☐ Shoreline Change (~~Erosion~~/Accretion) Rate: 5 ft./year

(Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)

☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

6 LOTS WITH RESIDENTIAL STRUCTURES (HOUSES) -
ALSO KAHAKAI RD. WAIMEA.



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

FLAT. 8 FEET.

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

- ☐ 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

Stewart Neil Shubert
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

3-5-18
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



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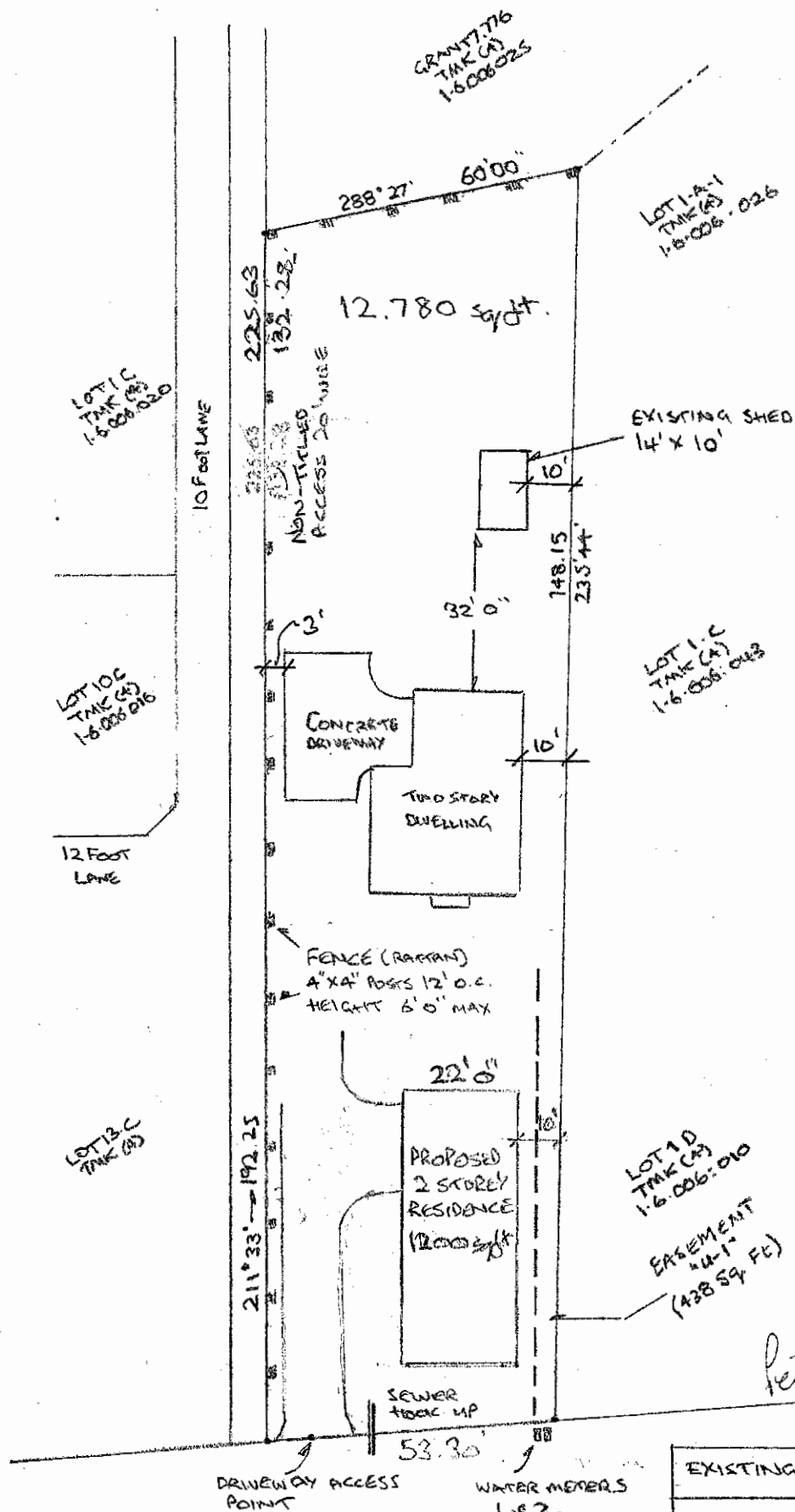
Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date



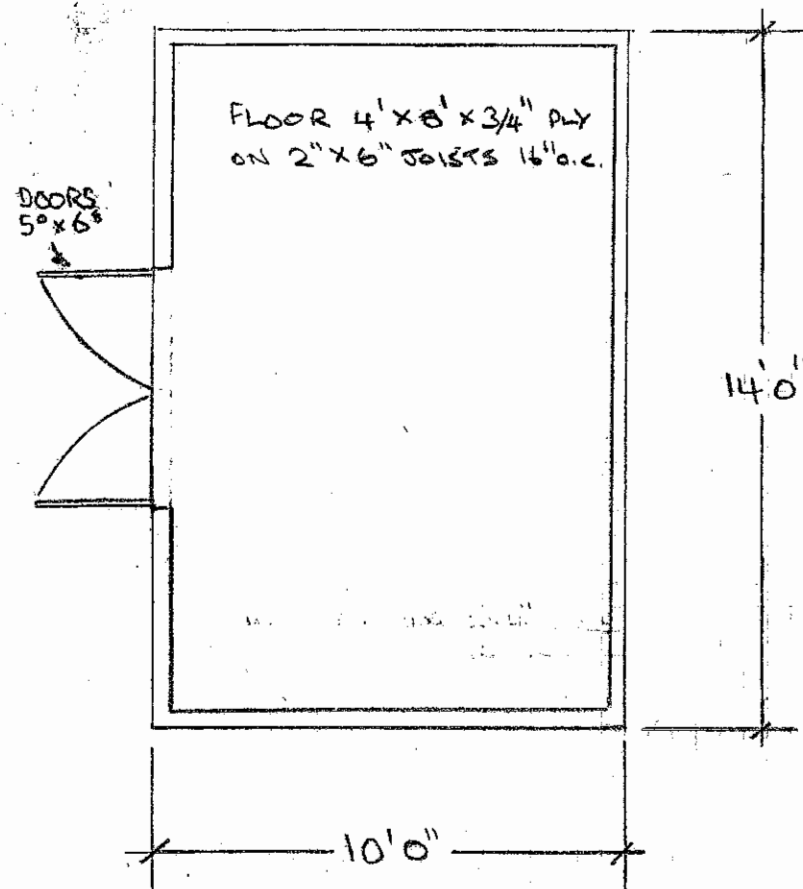
Additional comments/conditions:



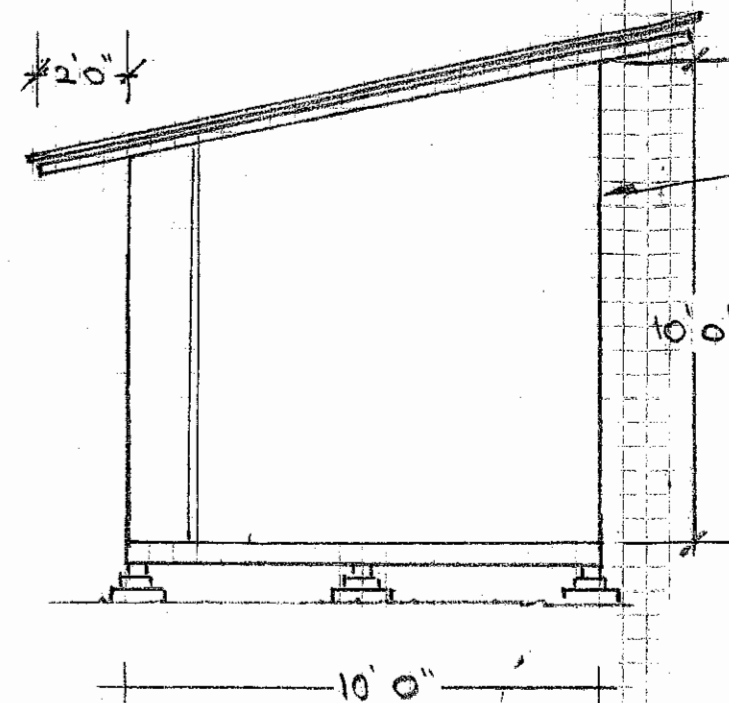
Peter Neil Taylor
FEB 2nd 2015

EXISTING STORAGE SHED
TMK: (4)-1-6-6-11
PLANS BY S.N. HINSHAND
SCALE 1" = 30'
PAGE I

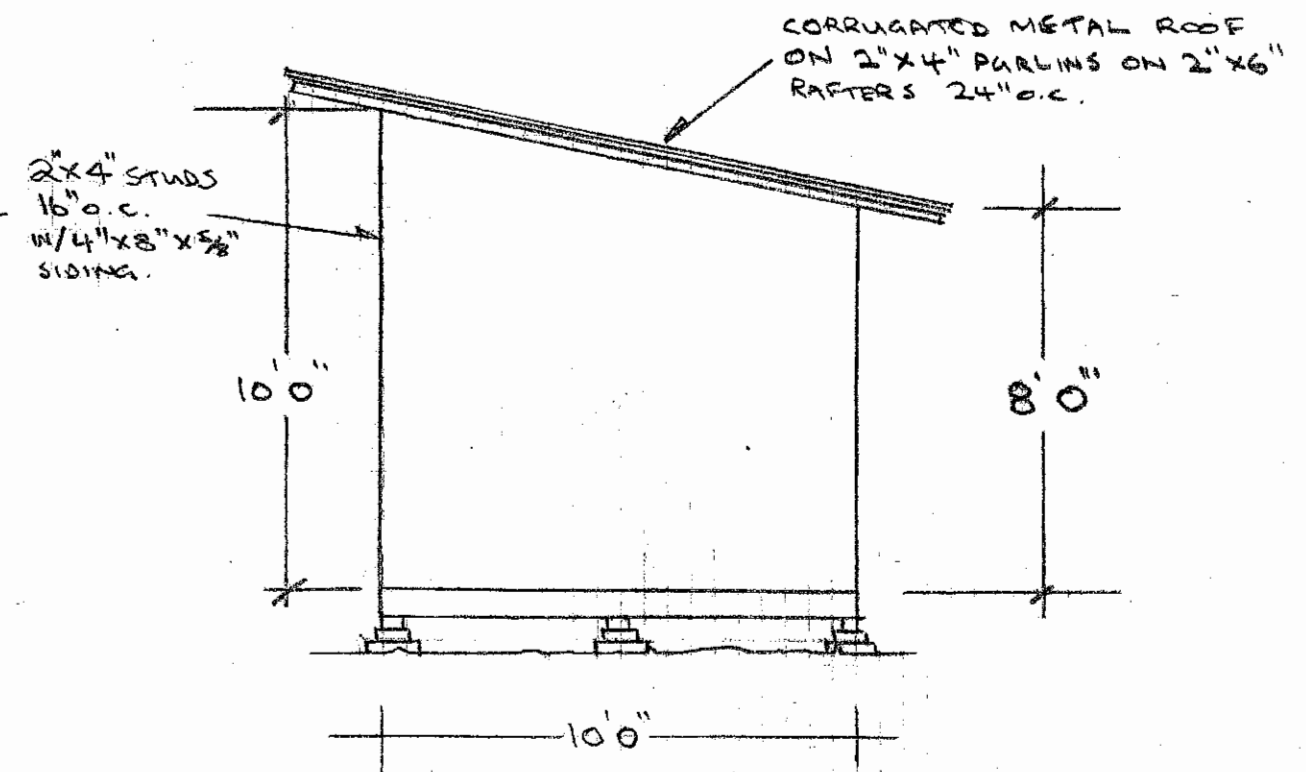
FLOOR PLAN



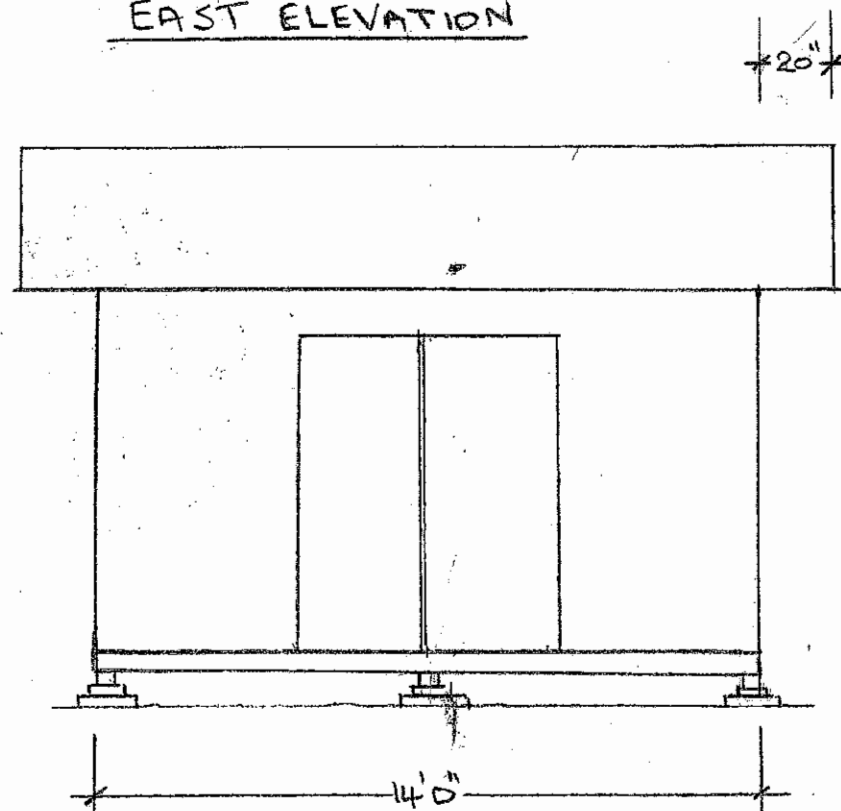
NORTH ELEVATION



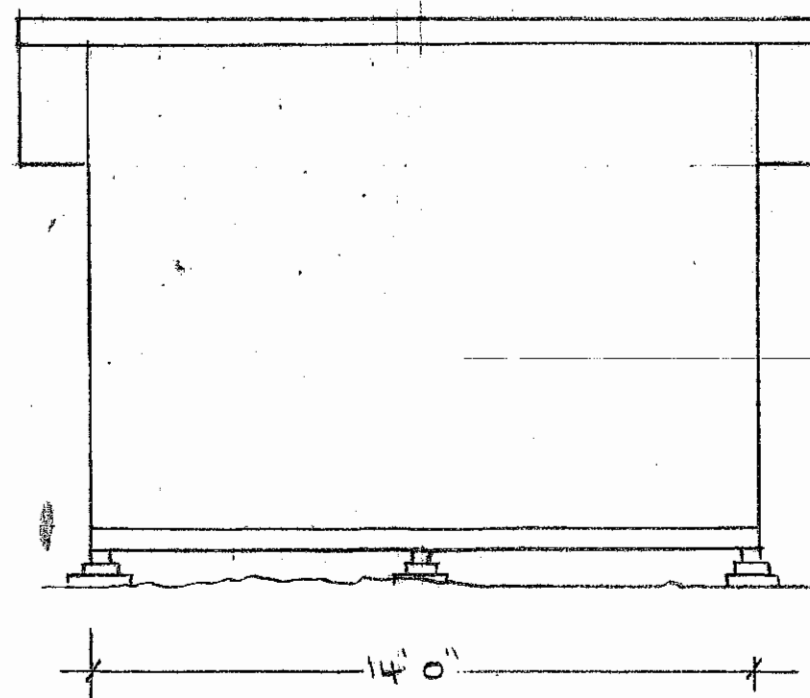
SOUTH ELEVATION



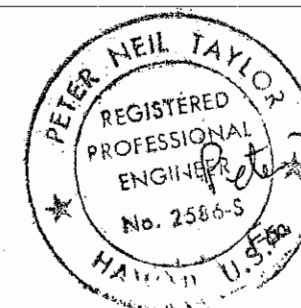
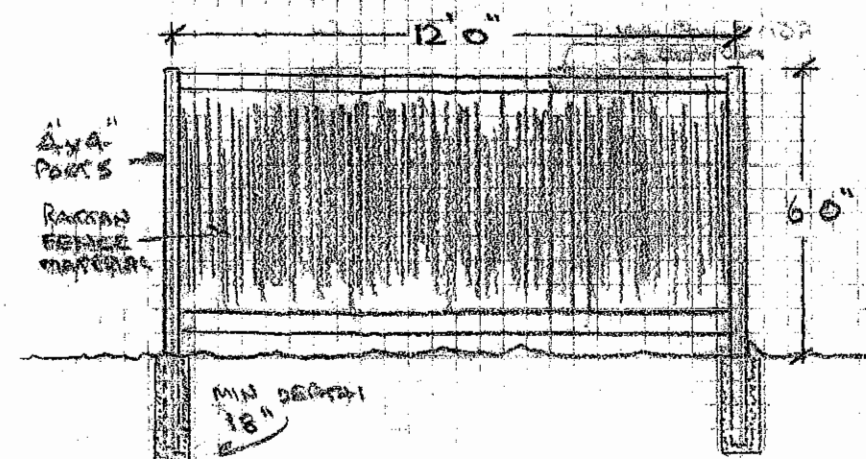
EAST ELEVATION



WEST ELEVATION



FENCE DETAIL



EXISTING STORAGE SHED.
FOR STEWART HUSBAND.

TMK: (4)-1-6-6-11

PLANS DRAWN BY: S.M. HUSBAND.
SCALE: 1/4" = 1'0".

PAGE 2.

Untitled Map

Write a description for your map.

Legend

- 9925 Kahakai Rd
- Aloha N Paradise
- Feature 1
- Feature 2
- Feature 3
- Inn Waimea
- Liko Kauai Cruises
- Park
- Waimea Theatre

9925 Kahakai Rd

Google Earth

© 2018 Google

600 ft

N