

# SHORELINE SETBACK APPLICATION

SSD-2012- \_\_\_\_\_  
 Receipt date \_\_\_\_\_  
 Determination date \_\_\_\_\_  
 Tech \_\_\_\_\_  
 Planner \_\_\_\_\_  
 SSCR-2012 \_\_\_\_\_

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 shore, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted activity or structure within the shoreline setback fill in Part C and/or Part D if you are applying for a variance.

Applicant Information	
Applicant Name:	Contact phone:
Address:	
Alternative Contact (if different):	Alternative contact phone:
Project Information (attach additional sheets)	
Site address:	TMK:
County Zoning District:	General Plan designation:
State Land Use:	
Description of proposed activity:	

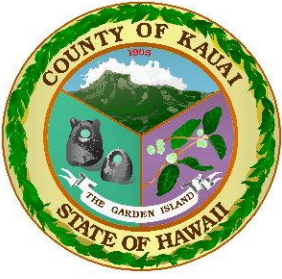
## Part A

### 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.

- (a) Abutting Shoreline
- Distance of improvement from Shoreline is approximately \_\_\_\_\_ ft.
- Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:  
 \_\_\_\_\_
- Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)  
 \_\_\_\_\_
- 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 in the past? (If checked, please describe)  
 \_\_\_\_\_
- (b) Within 500 feet of Shoreline

Applicability (Planning Department fills out)	
<input type="checkbox"/>	<b>Not subject to Determination</b> This Determination is only applicable to this request for determination of applicability.
<input type="checkbox"/>	<b>Setback Determination necessary.</b> Requirements of Ordinance 887 apply, submit full application.
_____	_____
Planning Director	Date



## Applicant's Signature

I, \_\_\_\_\_, declare that I am the owner or owner's authorized agent of the property (see attached Letter of Authorization) involved in this application, and that the attached information and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

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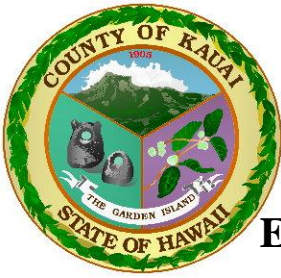
Signature

Date

### **Disclaimer**

This assessment is based on information provided. Please be aware that there is always uncertainty in predicting the future shoreline changes. In addition, more than likely erosion rates will accelerate in the future due to climate change and associated relative sea level rise, and human activities, such as armoring beach sediment sources.

# Shoreline Setback Determination



## Establishment of the Shoreline Setback Line

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

#### Shoreline Setback Determination (§ 8-27.3)

<input type="checkbox"/>	Date of Shoreline delineation inspection (by DLNR)
<input type="checkbox"/>	Survey plan
<input type="checkbox"/>	Other:
<input type="checkbox"/>	Date of Certified Shoreline approval (by DLNR) <small>Optional data requested for analytical purposes only</small>
<input type="checkbox"/>	Average Lot Depth _____ ft.
<input type="checkbox"/>	Average Depth of Lot excluding eroded area _____ ft.

Section 8-27.3 Shoreline Setback Determination: Establishment of the Shoreline Setback Line.

- (a) No shoreline setback line shall be established for any lot subject to this Article unless the application for a shoreline setback line includes a shoreline survey certified not more than six (6) month prior to submission of the application.
- (b) For lots with an average depth of one hundred sixty (160) feet or less, the shoreline setback line shall be established based on the average depth of the lot as provided in Table 1, or at the option of the applicant, upon a coastal erosion study as provided in Table 2.

Table 1: The distance in feet of the shoreline setback line as measured from the certified shoreline based on the average lot depth in feet. See attached table and substitute for below:

If the average lot depth is:	100 feet or less	101 to 120 feet	121 to 140 feet	141 to 160 feet	161 to 180 feet	181 to 200 feet	More than 200 feet
Then the minimum setback distance	40 feet	50 feet	60 feet	70 feet	80 feet	90 feet	100 feet

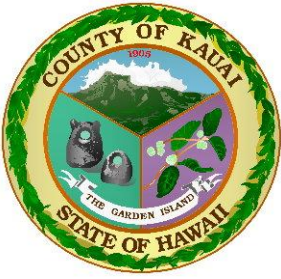
**Provide proposed setback from certified shoreline in feet: \_\_\_\_\_**

- (c) For lots with an average depth of more than one hundred sixty (160) feet, the shoreline setback line shall be established based on a coastal erosion study as provided in Table 2 and shall be no less than the setback distances set forth in Table 1 as applicable.

Table 2: The distance in feet of the shoreline as measured from the certified shoreline based on the footprint and a coastal erosion study.

For structures with a building footprint that is:	Less than or equal to 5,000 square feet	Greater than 5,000 square feet
Then the setback distance is:	40 feet plus 70 times the annual coastal erosion rate	40 feet plus 100 times the annual coastal erosion rate

**Provide proposed setback from certified shoreline based on building footprint in feet: \_\_\_\_\_**



## SHORELINE SETBACK STRUCTURE OR ACTIVITY DETERMINATION FORM

### Part C

#### Shoreline Setback Structure or Activity Determination (§ 8-27.8)

This document is the request for a shoreline setback structure or activity determination form; please fill out if you are proposing a structure or activity within the Shoreline Setback Area, a determination of applicability (Part A & B) from the Planning Director shall first be obtained.

**Are you proposing a structure or activity in the setback area?**

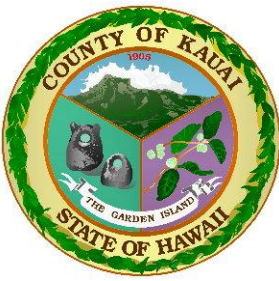
**Is the activity:**

- Permitted? (§ 8-27.7) – Please fill out Part C  
 Prohibited? (§ 8.27.6) – Please fill out Part C & D

Describe proposed activity or structure:

Written text addressing the above proposed structure or activity addressing the compliance with § 8-27.8 (c) (2):

If determination of structure or activity is approved, the Applicant shall agree in writing that the applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kauai harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures or activities from any coastal natural hazards and coastal erosion (§8-27.7 (b) (2)).



## SHORELINE SETBACK VARIANCE FORM

### Part D Shoreline Setback Variance (§ 8-27.9)

This document 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.

- An administrative fee of \$300.00. The administrative fee shall be seventy-five hundred dollars (\$7,500) if the application is made after the structure is partially or fully built without the required approvals.
- 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 343;
- 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 use, activity, 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 property 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 (please list).

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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 Section 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 of this section and the grantor shall be subject to the penalties set forth in this article.

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 defined, indemnify and hold the County of Kauai 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.