MAUI PLANNING COMMISSION

Shoreline Setback Assessment

INFORMATIONAL SHEET

SOURCE OF LEGAL AUTHORITY: CHAPTER 205A, HAWAII REVISED STATUTES (HRS), AS AMENDED, AND TITLE MC-12, SUBTITLE 02, CHAPTER 203, SHORELINE RULES FOR THE MAUI PLANNING COMMISSION

PURPOSE:

The purpose of the Shoreline Rules is to regulate the use and activities of land within the shoreline environment in order to protect the health, safety, and welfare of the public by providing minimum protection from known coastal natural hazards; and to ensure that the public use and enjoyment of our shoreline resources are preserved and protected for future generations in accordance with the Hawaii coastal zone management law, HRS Chapter 205A, as amended.

The Director of Planning can officially determine where the shoreline setback line is on a given property by providing applicant's with a **Shoreline Setback Determination (SSD)**. This application is to be used for making a determination of whether the shoreline setback line is properly calculated and whether the applicant has properly located the setback line on a surveyed plot plan or site plan of the applicant' parcel.

Applicants may also request that the Director determine whether a proposed action is located outside the shoreline setback area. In such cases, the Department may confirm that the proposed structure or activity is permissible (relative to the restrictions in the Shoreline Rules) because it is outside of the shoreline setback area.

For structures or activities proposed to be within the shoreline setback area, applicants may request that the Director determine whether the proposed action qualifies as a "permitted structure or activity" by obtaining using this application. The Director may issue a **Shoreline Setback Approval (SSA)** when a proposed action does not hinder sand transport, does not harden the shoreline, does not adversely beach processes, and does not interfere with public views or access to and along the shoreline. The Approval (SSA) may include specific conditions or requirements before the activity may proceed. Typical SSA conditions are the implementation of Best Management Practices or having an approved Archaeological Monitoring Plan in culturally sensitive areas.

Compliance with HRS Chapter 343 may also be required and can be triggered by uses within the Shoreline Area, although a number of activities qualify for categorical exemptions under the law.

COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-8205; FAX (808) 270-7634

MAUI PLANNING COMMISSION

Shoreline Setback Assessment

DATE: _____

PERMIT TYPE REQUESTED:
_____Determination that the setback is properly located and calculated (SSD)
_____Confirmation that the proposed action is inland of the setback area (SSC)
_____Approval of a structure or activity proposed to be in the setback area (SSA)___

PROJECT NAME: _____

PROPOSED DEVELOPMENT:
_____

_____

TAX MAP KEY NO.: **CPR/HPR NO.:** **LAND AREA:**
ex:(2) 3-4-005:006

PROPERTY ADDRESS:
_____
_____

OWNERS ADDRESS IF DIFFERENT: _____PHONE:(B)_____(H)_____

_____

CITY: _____STATE: _____ZIP CODE: _____

OWNER SIGNATURE:
_____

APPLICANT

ADDRESS:_____

CITY: _____STATE: _____ZIP CODE:_____

PHONE (B): _____ (H): _____
FAX:

APPLICANT SIGNATURE:
_____

CONTACT NAME:

_____

ADDRESS:_____

CITY: _____ STATE: _____ZIP CODE:_____

PHONE (B): _____ (H)_____FAX: _____

EXISTING USE OF PROPERTY: _____

_____

STATE LAND USE DISTRICT BOUNDARY DESIGNATION:_ _____

COMMUNITY PLAN DESIGNATION:__ __ _____

MAUI COUNTY ZONING DESIGNATION:_____

OTHER SPECIAL DESIGNATIONS

_____

BUILDING PERMIT APPLICATION(BPA) NO. _____

BPA VALUATION _____

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APPLICATION SUBMITTALS

Shoreline Setback Assessment

1. Evidence that the applicant is the owner or lessee of record of the real property.

2. A notarized letter of authorization from the legal owner if the applicant is not the owner and evidence that the authorization is from the legal owner.

3. A valid State-certified shoreline survey.

   The state certified shoreline is valid for 12 months and must be valid prior to the issuance of the Shoreline Setback Determination. The Board of Land and Natural Resources certifies the shoreline is accurate and correct, denotes the shoreline in red on a site plan, and dates and signs the site plan.

   First, the state certified shoreline provides a baseline from which the shoreline setback is measured. Second, the state certified shoreline delineates where the state's jurisdiction ends and where the county's begins. Third, the certification process ensures that no structures are errantly built on, or existing, on state property or the public domain. Fourth, if an encroachment exists, the landowner or primary beneficiary of the structure may be required to remove or alter the structure, or purchase an easement for the use of State and/or public lands. Finally, it is unlawful to block, hinder or impeded lateral access along and makai of the state certified shoreline.

   Under certain limited circumstances, the requirement for a valid state certified shoreline survey may be determined to be unnecessary by the Director of the Planing Department. However this is infrequent and only applies to certain unique situations where the proposed action clearly is permissible and has no adverse impacts on shoreline resources, or in cases where engineering drawings exist to locate the interface between the ocean and a government-approved shoreline structure. In all cases, a shoreline survey conducted by a licensed certified surveyor in the State of Hawaii is required. A stamp of the site plan from a licensed surveyor is not a substitute for a state certified shoreline survey.

4. Construction plans, if any, noting any proposed structures, their proximity to the shoreline and shoreline setback area, and any grading of fill proposed at the site. If fill is used in the setback area, it must be beach-quality sand and usually can not serve as structural support in flood prone areas.

5. Site Plans drawn to the scale of 1"=20'.0".
   The site plan should show (where applicable):
   (1) The shoreline and existing conditions along properties immediately adjacent to the subject lot;
   (2) Contours at a minimum interval of two feet;
   (3) Man-made features in the subject area including any existing and/or proposed structures;
   (4) Existing non-conforming structures;
   (5) The subject property boundaries with measurements;
   (6) Natural features such as large trees, rock out-cropping, or drainage depressions;
   (7) Topography in and around the proposed construction, normally including the lot, parcel and shoreline area;
   (8) Any and all shoreline hardening and/or armoring structure, structures inhibiting natural sand transport and littoral processes, and those structures designed to protect land from coastal and/or beach erosion;
   (9) Public, publicly-used and/or private shoreline access points, paths and/or walkways;
   (10) Drainage that discharges to the ocean and/or the nearest drainage to the proposed project site;
   (11) Flood zones, their contours and base flood elevations. If the parcel is entirely in one flood zone, the zone should be noted in the application.;
   (12) Historic sites and/or artifacts;
   (13) Dune systems onsite, or where a dune is nearby provide a written description of its general characteristics and proximity to the site;
   (14) The shoreline setback line as calculated using the average lot depth method and the annual erosion rate method where established; and
   (15) Any other information which identifies the existing condition of the subject parcel of land and describes the shoreline area.

6. Photographs of the shoreline area. At a minimum, photographs should include views to and along the shoreline, as well as from the shoreline to the project site. Photographs should show the location of the proposed structure and/or activity and its proximity to the shoreline, adjacent properties, and shoreline setback area. The proposed structures location can be marked on the photograph, illustrated with tape, cord or poles on the ground during photographing, or can be illustrated as an overlay or superimposed on the photograph using computer simulations such as AutoCAD or Adobe Photoshop.

7. Describe the shoreline and shoreline area in narrative form. For example, is the shoreline rocky and made up of small pebbles, or is it sandy and stretches along the coastline. Alternatively, the shoreline could be high sea cliffs, which although high, may have sea caves or erosional scarps along their base.

8. Calculate the Shoreline Setback Line (SSL) based on the lot depth.

The SSL should be calculated as follows:

a) Determine the average depth of the lot or ALD. See Figure 1.

"Average lot depth" or ALD means the measurement obtained by adding the lengths of the two sides of a lot which are at or near right angles with the shoreline to the length of a line obtained by drawing a line from a point in the center of the makai (seaward) side of the lot to a point in the center of the mauka (landward) side of the lot and dividing the resulting sum by three. When determining the lot's depth, do not include portions of the parcel that are submerged and are seaward of the State certified shoreline.

b) Determine which setback category is applicable:

If lot average depth is:	The shoreline setback is:
0-100 feet	25 feet
100-160 feet	40 feet
160-600 feet	25% of the ALD
> 600 feet	150 feet

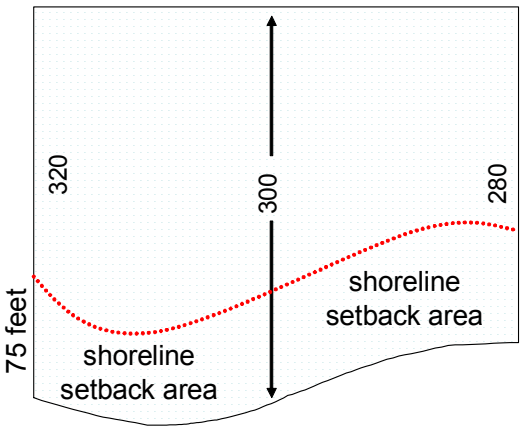
c) Plot a line on the site plan which equals the setback distance above. The plotted line should run parallel to the shoreline. Parallel means a line drawn perpendicular to the shoreline and drawn lateral to the shoreline. If this results in two lines, both should be labeled on the site plan and the more mauka (inland) segments of each line forms the setback line based on the ALD method.

Ensure that the plotted line is measured from the certified shoreline and not just the waters edge or the ocean. If a seawall, geotextile sand bags, rock revetment or other hardening structure exists along the shoreline, then plot the shoreline setback from the top or most mauka portion of the structure. If the State certified shoreline survey indicates the shoreline is at the toe of the hardening structure, then measure the setback from the State certified shoreline and provide the width of the hardening structure on the site plan.

d) Ensure that all calculations and measurements used to determine the lot depth are shown on the site plan. The Department will verify this information during the assessment process.

FIGURE 1: Calculating the ALD setback

INLAND – *mauka*



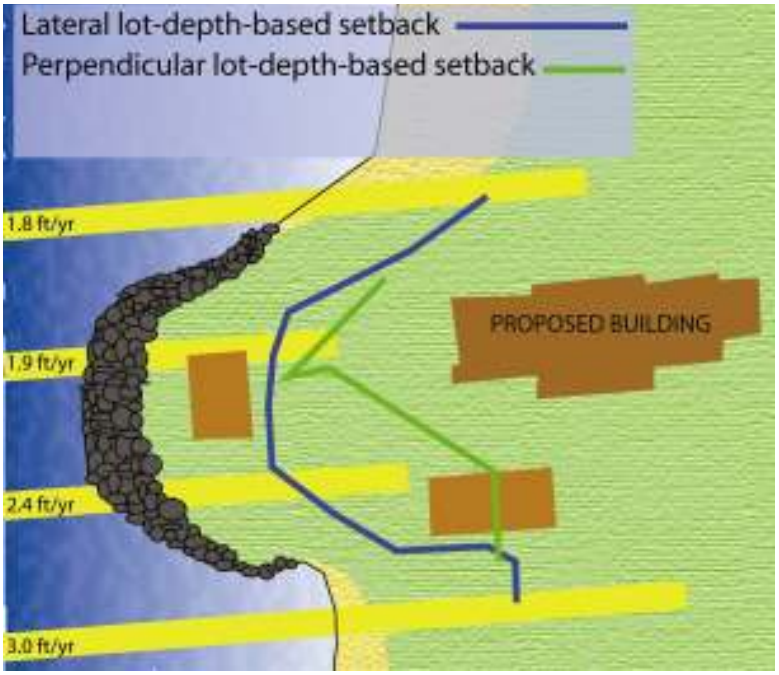
320' Left Side
300' Center Line
+ 280' Right Side
900' Total

Average Lot Depth (ALD)
900' / 3 = 300'

ALD setback
25% x 300' = 75'

The ALD setback line is 75 feet from the State-certified shoreline

OCEAN – *makai*



9. Calculate the Shoreline Setback Line (SSL) based on the erosion rate for the site, if and where applicable. See Figure 2. Erosion rates are established for most sections of the South, North and West shoreline areas on the island of Maui.

a) Download erosion rate maps from the County website at http://www.co.maui.hi.us/departments/Planning/erosion.htm or http://www.soest.hawaii.edu/coasts/data/maui/index.html if you have flash capability. Maps may also be viewed at the Planning Department.

Please direct all questions to the Maui County Planning Department. the not the University of Hawaii or SOEST as they are *only* a web-host.

b) Find your property and the transects on, adjacent to, or near your property. Plot each transect on your site plan and include the transect number. Also please provide the name of which erosion map was used such as North Beach, Makena, Big Beach, etc.

c) Review the bar historgram (red bars) and estimate the annual erosion rate at each transect. This is called the annual erosion hazard rate or AEHR. Multiply the AEHR by 50, representing 50 years of protection since most homes are built to last fifty years. The result is the estimated erosion over the next fifty years.

d) Using the result from step c above, and add 25 feet. The additional twenty-five feet serves as a buffer to account for storm surge, episodic erosion events, and other dynamic coastal factors.
The result is the erosion-based setback and follows the form of:
(AEHR x 50 yrs) + 25 feet = setback distance

e) Show your calculations on the site plan.
ex: transect 20 = 0.0' erosion rate - - setback = 25' + 0' = 25' setback
transect 21 = 0.5' erosion rate - - setback = 25' + 25' = 50' setback
transect 22 = 1.0' erosion rate - - setback = 25' + 50' = 75' setback

f) For each transect, plot the corresponding calculated setback distance on the site plan as measured from the State certified shoreline. The setback should be inland roughly perpendicular to the shoreline at the transect point. Note the transect number (e.g. 20, 21 and 22) and the calculated erosion-based setback measurement (e.g. 25', 50' and 75') respectively.

g) Draw a line that connects the plotted points, including neighboring transects where applicable. The line represents the shoreline setback line based on the sites established erosion rate.

Figure 2: Transects 20 -23 and their erosion-based setback distances

Transect	Erosion Rate	Calculation	Setback
20	0.0	(0.0 x 50) + 25	25'
21	0.5	(0.5 x 50) + 25	50'
22	1.0	(1.0 x 50) + 25	75'

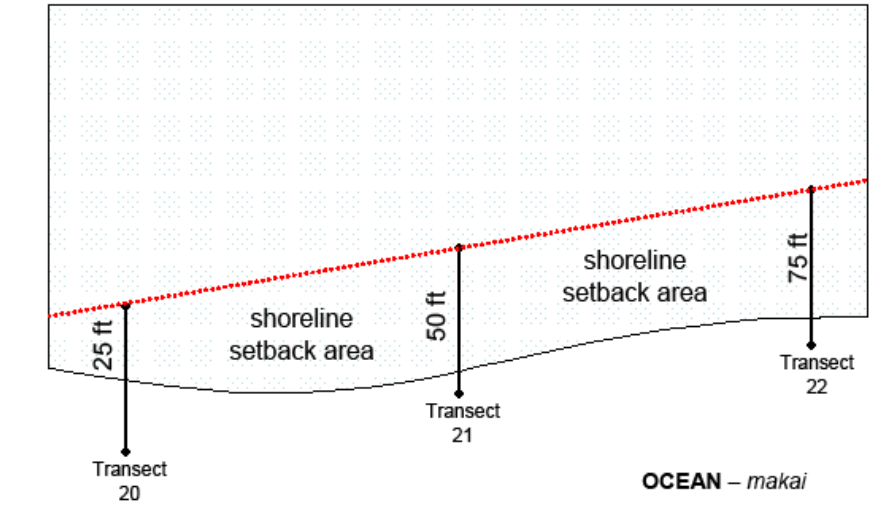


FIGURE 3: Overlay of ALD and AEHR Setback Lines

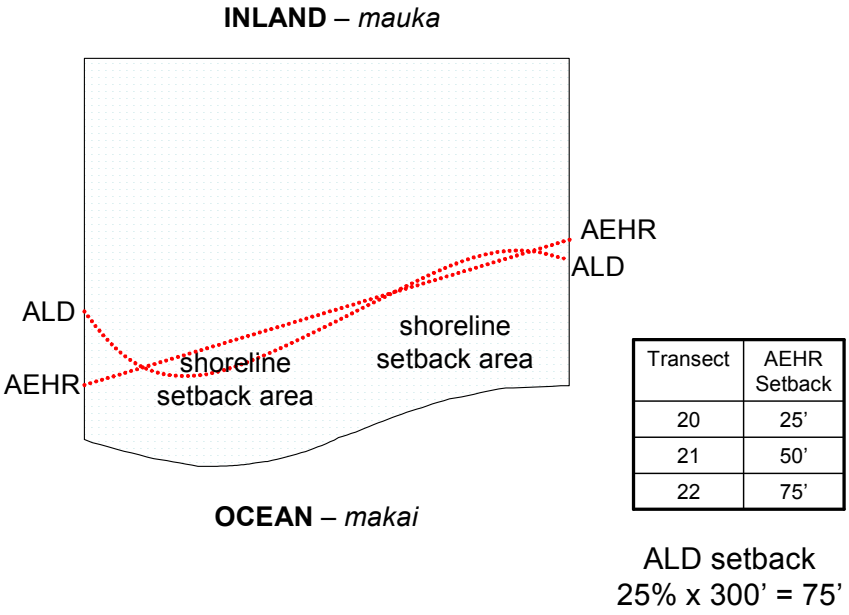
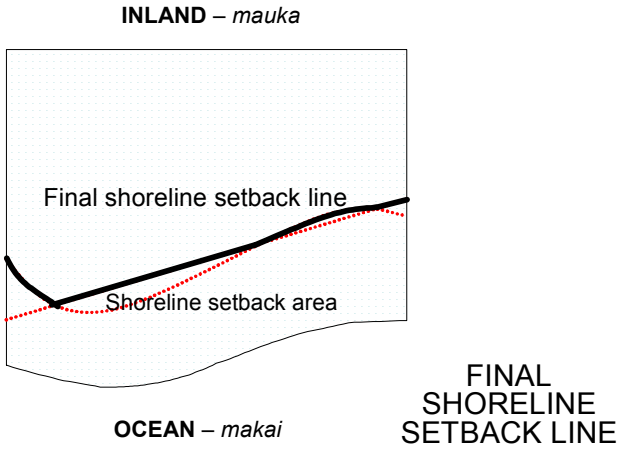


FIGURE 4: FINAL SHORELINE SETBACK LINE. The mauka, more inland segments of each setback line (ALD, AEHR) forms the final shoreline setback line shown in bold.



10. The site plan should illustrate both the lot-depth based setback (ALD) and the erosion-rate based setback (AEHR), as well as their calculations (Figure 3). The more mauka (inland) of the lines forms the shoreline setback line. In the unusual circumstance that the lines cross each other, the more mauka segments of each line form the shoreline setback line (Figure 4).

11. Figure 4 illustrates the setback lines calculated using both ALD and AEHR methods and the overlay of those lines which forms the final setback line. The final setback line is the more mauka segments of each line (Figure 4).

DEPARTMENT DETERMINATION

12. Based on the information provided, the Department will conduct an assessment to determine if the setback is properly located and calculated in relation to the ocean (SSD).

    The Department can also determine if any proposed structures or activities, such as grading or fill, are permissible because they are located outside of the setback setback area (SSA)

    The Department can also determine if the structures or activities proposed within the shoreline setback area are permitted (SSA with Conditions). Certain conditions such as the use of Best Management Practices or an approved Archaeological Monitoring Plan, may be imposed prior to initiation of construction activities, the issuance of a grading permit or a the issuance of a Certificate of Occupancy.

    More information can be obtained regarding the Department's process at

    http://www.co.maui.hi.us/departments/Planning/czmp/intro.htm

    and http://www.co.maui.hi.us/departments/Planning/czmp/ssa.htm