

JOANN A. YUKIMURA
MAYOR



COUNTY OF KAUAI
PLANNING DEPARTMENT
4280 RICE STREET
LIHUE, KAUAI, HAWAII 96766

JEFFREY R. LACY
PLANNING DIRECTOR

DEPUTY PLANNING DIRECTOR

TELEPHONE (808) 245-3919


September 4, 1992

Mr. Brian J. J. Choy, Director
Office of Environmental Quality Control
220 South King Street, Fourth Floor
Honolulu, Hawaii 96813

RE: Village Resorts After-the-Fact Request for Shoreline Setback
Variance for Wooden Fence
TMK: 4-2-8-17: 27 Poipu, Kauai
Final Environmental Assessment and Negative Declaration

This letter is to inform you that the Planning Department has not received any comments during the 30 day commenting period for the Draft Environmental Assessment for the project.

Should you have any questions, please contact Myles Hironaka of my staff at 245-3919.


JEFFREY LACY
Planning Director

1992-09-23-KA+FEA-Village Route After the Fehet SEP 23 1992
Shoreline setback variance for wooden fence

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COUNTY OF KAUAI

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PLANNING DEPT.

FINAL

ENVIRONMENTAL IMPACT ASSESSMENT

FOR

6' HIGH WOODEN FENCE WITHIN THE SHORELINE AREA,

AT

KIAHUNA PLANTATION, PHASE I

TAX MAP KEY: 2-8-17-27

The following is an environmental impact assessment for a shoreline setback variance for a 6 feet high wooden fence within 40' of the shoreline, at Kiahuna Plantation, Phase I, Poipu, Island of Kauai, State of Hawaii, on real property more particularly identified as Kauai Tax Map Key: 2-8-17-27.

(1) Identification of Applicant:

Village Resorts, Managing Agent
Kiahuna Plantation, Phase I
c/o Walton D. Y. Hong
3135-A Akahi Street
Lihue, HI 96766
Tel. 245-4757

(2) Identification of Approving Agency:

Planning Commission of the County of Kauai
4280 Rice Street
Lihue, HI 96766

(3) Identification of agencies consulted:

Planning Department of the County of Kauai
4280 Rice Street
Lihue, HI 96766

Kauai District
Department of Land and Natural Resources
P. O. Box 3390
Lihue, HI 96766

(4) General Description of Action's Characteristics:

(a) Technical: The subject site is at the common boundary of the Poipu Beach Hotel and the Kiahuna Plantation, Phase I, in the vicinity of the shoreline.

Prior to Hurricane I'wa in 1982, a 4 feet high wooden fence existed along the common boundary between the Poipu Beach Hotel and the Kiahuna Plantation. Hurricane I'wa destroyed this

fence, and the fence was subsequently rebuilt to the same height of 4 feet.

Approximately 2 years ago, the 4' high fence was replaced by another wooden fence of 6 feet in height, which is the subject of this assessment.

The fence is perpendicular to the shoreline, and intrudes into the 40' shoreline setback area established pursuant to Chapter 205, Hawaii Revised Statutes, to approximately 2 feet of the shoreline.

As measured inland from the shoreline, the 40' shoreline setback area contains approximately 10 feet of naupaka and open lawn. Building 1 of the Kiahuna Plantation, Phase I, is immediately beyond the 40' setback area. A copy of a site plan and of an elevation of the fence in relation to other physical characteristics are attached hereto as Exhibits "A" and "B".

The fence is intended to provide privacy to the occupants of Building 1 from the neighboring Poipu Beach Hotel.

The fence does not hinder lateral beach access to the public, as it does not extend as far towards the shoreline as does the beach naupaka. The beach naupaka is thick in growth of several feet in height and 8-10 feet in depth immediately mauka along the shoreline.

As the current fence was constructed without a Special Management Area permit or a shoreline variance, the Applicant is now seeking after-the-fact permits for the fence.

(b) Economic: The cost to rebuild the current fence was approximately \$2,000.00. As the application is for after-the-fact permits, no significant economic impacts or benefits are expected from the proposed continued use of the subject fence.

(c) Social: The fence will allow the continued privacy for the occupants of Building 1 of Kiahuna Plantation, Phase I, from the neighboring Poipu Beach Hotel. Except for the negligible social impact of not having unhindered access for guests and occupants between the two properties, no significant adverse social impact can be expected from the subject fence. On the other hand, the absence of such a fence would not enable guests of either Kiahuna or the Poipu Beach Hotel to know where

the boundaries of their respective establishments were, and perhaps foster the unknowing trespass and invasion of privacy of the other.

(d) Environmental: the environmental characteristics of the proposed action are as follows:

(1) Flora and Fauna: There are no endangered or threatened species of flora or fauna at the site of the subject fence. The existing vegetation consists of beach naupaka, lawn grasses, croton plants, and ironwood trees. The proposed use will not require the cutting or trimming of any of the existing vegetation, except an occasional trimming of the beach naupaka to maintain vegetative height consistency within the Kiahuna Plantations project and along the fronting shoreline.

(2) Drainage: The proposed use will not affect the drainage pattern of the immediately surrounding area in any fashion.

(3) Erosion: The proposed fence use will not cause any increase in erosion of the subject site nor of the surrounding areas.

(4) Historical and Archaeological: The Applicant is not aware of any historical or archaeological significance of the site which would be affected by the proposed fence use. As the fence has already been constructed, no further ground disturbance should be necessary. To the best of the Applicant's knowledge and belief, no human or archaeological remains were uncovered during the rebuilding of the fence.

(5) Visual: The fence will be visible to the occupants of the immediately abutting property, i.e., Building 1 of Kiahuna Plantation, Phase I, and abutting rooms at the Poipu Beach Hotel, as well as to the public exercising lateral access rights along the shoreline. However, it is not visually obtrusive due to the wooden materials and color of the fence, as well as its being nestled between the two properties and its structures. As people walk along the shoreline, their attention is focused towards the ocean and sand, and the fence is not readily noticeable. Also, vegetative growth along and in front of the fence further mitigates the fence's visual impact.

(5) Summary Description of the Affected Environment: As shown on Exhibits "A" and "B" hereto, the subject fence is a six

feet high wooden fence, running perpendicular to the shoreline to a distance of approximately 2 feet within the edge of vegetation. The original fence at that location was constructed prior to Hurricane I'wa for the primary purpose of providing privacy for the occupants of Building 1, Kiahuna Plantation, Phase I, from the neighboring Poipu Beach Hotel. The current fence was constructed approximately 2 years ago to replace the previous fence.

The Applicant is currently in the process of having the shoreline fronting the subject fence certified. A copy of the shoreline survey map, which was submitted for State certification, is attached hereto as Exhibit "C".

Except for limitation of some lateral shoreline access, the fence will not result in any significant adverse environmental impacts for the reasons above stated.

(6) Identification and summary of major impacts and alternatives considered: Due to its limited scope and location, the proposed fence use will not result in any major impacts to the surrounding environment.

The two areas which may be impacted, however insignificantly, are lateral access and visual impacts. The fence would impede lateral access along the shoreline within the 40' shoreline setback area. However, this impediment would be negligible or nonexistent, as the existing naupaka already blocks ready access within the shoreline setback area for a depth of approximately 10 feet, and there is sufficient access makai of the naupaka plants for other lateral access.

The fence within and inland of the naupaka plants would discourage the public from trampling on the naupaka as well as crossing over the lawn area between the building and the naupaka. This helps define a lateral accessway, while preserving the beach vegetation and privacy of the occupants in those units closest to the shoreline.

The fence results in some visual impact to the beach going public. However, this impact is be mitigated to a large extent by the location of the fence along lot lines between buildings, the growth of existing vegetation along and in front of the fence, and the nature and color of the fence.

Other alternatives considered were the growing of a hedge along the common boundaries, or doing nothing. The growing of a hedge would be time consuming as it would take a considerable length of time until a hedge would be high or thick enough to provide the privacy now derived from the fence. Further, a hedge would require periodic trimming, watering, and maintenance, which would create further disturbances and use of resources not necessary with the existing fence.

A do nothing approach is not feasible as the lack of a fence would fail to provide the necessary separation for security and privacy purposes between the two properties.

(7) Proposed Mitigation Measures: Given the size, location and nature of the proposed fence and the lack of environmental impact therefrom, the Applicant does not believe that any mitigation measures are necessary.

(8) Determination: Based on the foregoing, it is recommended that a finding that the proposed action will not result in any significant adverse environmental and ecological impacts be adopted, and that an environmental impact statement not be required of the Applicant for the proposed action.

(9) Findings and Reasons Supporting Determination: The proposed continued fence use will have negligible, if any, environmental impacts to the surrounding area. While lateral access along the shoreline may be curtailed by the fence, it is more so curtailed by the existing naupaka growth. The existing lateral access makai of the fence and the naupaka provide substantial and adequate continued access along the shoreline.

Visual impact of the fence, if any, is not significant due to the limited height of the fence, its location along the common boundary between existing buildings, and the vegetation along and fronting the fence.

(10) Agencies to be consulted: As a recommendation of negative declaration is proposed, no other agency need to be consulted for preparation of an environmental impact statement.

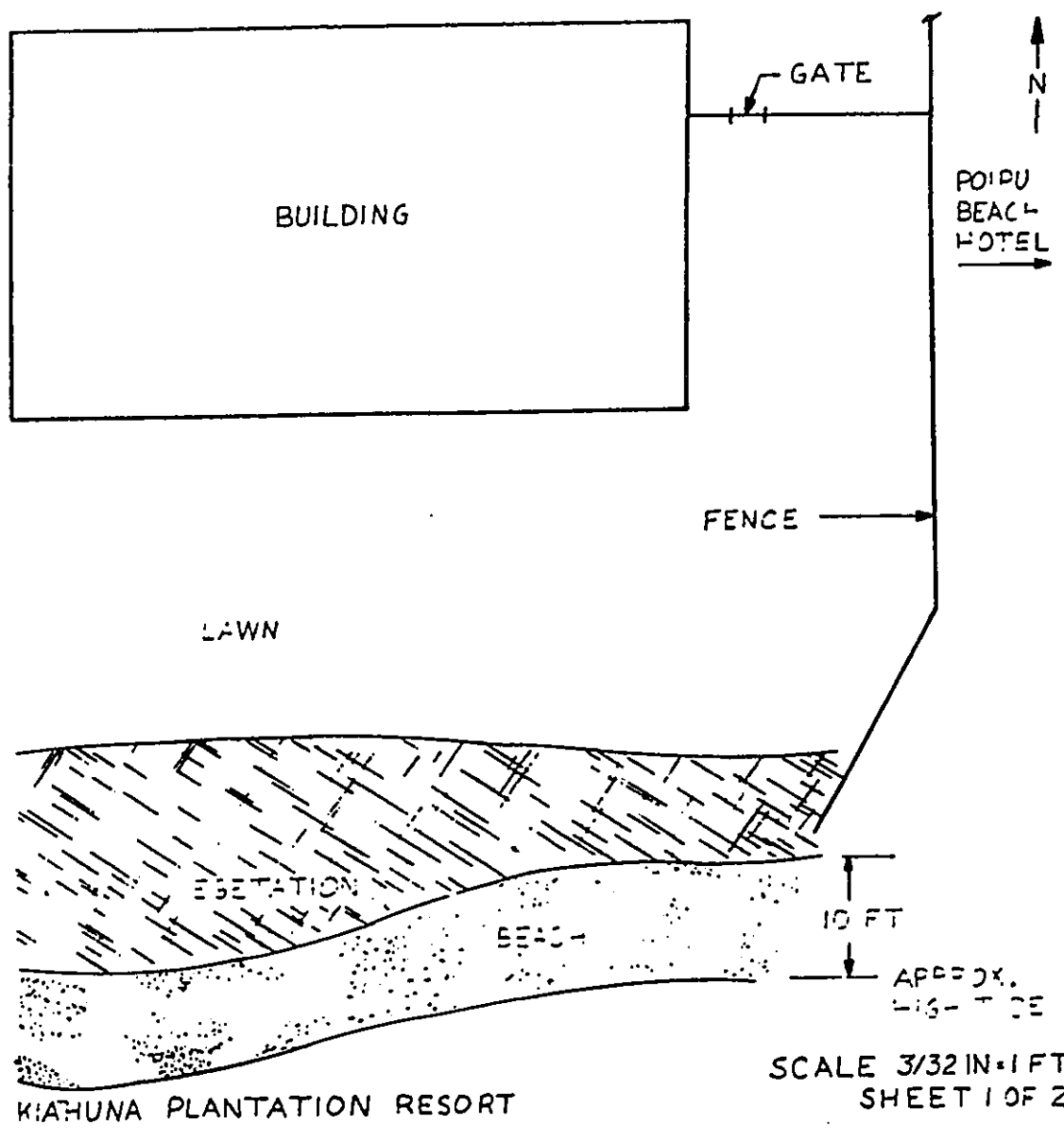
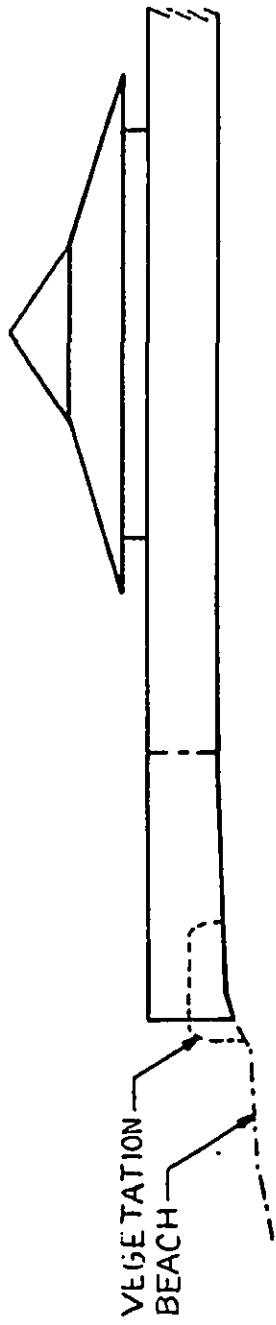


EXHIBIT A

EXHIBIT B

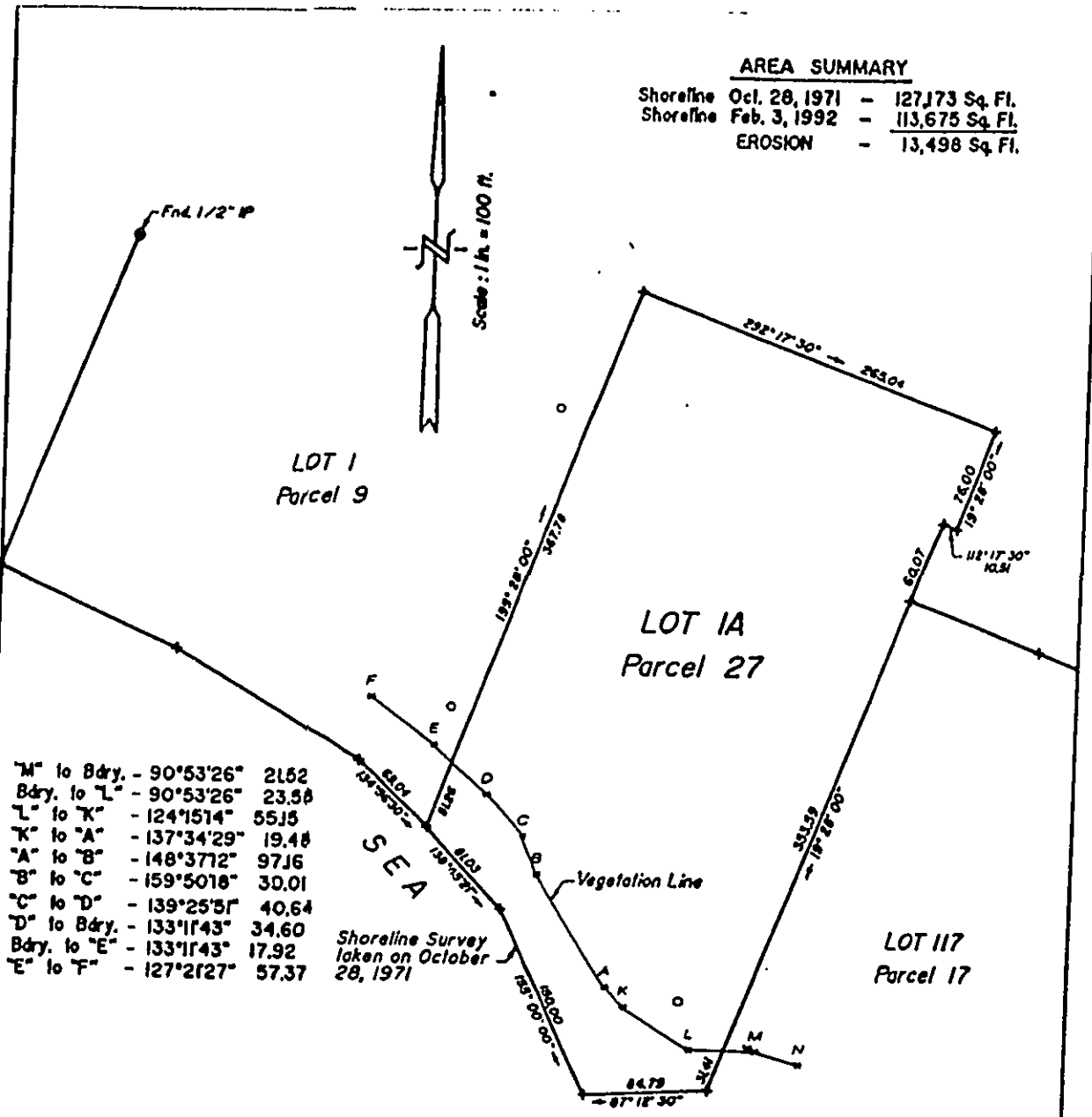


SCALE 3/32 IN = 1 FT
SHEET 1 OF 2

KIAHUNA PLANTATION RESORT

AREA SUMMARY

Shoreline	Oct. 28, 1971	-	127,173 Sq. Ft.
Shoreline	Feb. 3, 1992	-	113,675 Sq. Ft.
EROSION		-	13,498 Sq. Ft.



"M" to Bdry.	- 90°53'26"	21.52
Bdry. to "L"	- 90°53'26"	23.58
"L" to "K"	- 124°15'14"	55.15
"K" to "A"	- 137°34'29"	19.48
"A" to "B"	- 148°37'12"	97.16
"B" to "C"	- 159°50'18"	30.01
"C" to "D"	- 139°25'31"	40.64
"D" to Bdry.	- 133°11'43"	34.60
Bdry. to "E"	- 133°11'43"	17.92
"E" to "F"	- 127°21'27"	57.37

Shoreline Survey taken on October 28, 1971



This work was prepared by me or under my supervision

Cesar C. Portugal
 Reg. Prof. Engineer & Land Surveyor
 Certificate Number 2225-SE

For: PORTUGAL & ASSOCIATES, INC.
 Lihue, Kauai, Hawaii

SHORELINE SURVEY
LOT 1A (Parcel 27)
 Being a Portion of Lot 1
 of
Land Court Application No. 956

Polpu, Koloa, Kauai, Hawaii
 Owner: Eric A. Knudsen Trust
 Lessee: Moana Dev. Corp.

Tax Map Key: 2-8-17: 27

March 27, 1992

EXHIBIT

Job No. 2360