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Mayor



FILE COPY

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APR 23 2013

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PLANNING DEPARTMENT

County of Kaua'i, State of Hawai'i

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APR 01 2013

Office of Environmental Quality Control
State of Hawaii
235 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

13 APR -3 P3:18

RECEIVED

RE: Final Environmental Impact Assessment (FEA) for construction of a swimming pool within the shoreline setback area at Po'ipū, Kōloa, Kaua'i, Hawai'i; Tax Map Key (TMK) (4) 2-6-012:001

To the Office of Environmental Quality Control:

The Planning Department of the County of Kaua'i has not received any comments to the Draft Environmental Impact Assessment (DEIA) for the subject project and anticipates the issuance of a Finding of No Significant Impact. The Final Environmental Impact Assessment (FEIA) has been prepared pursuant to Chapter 343, Hawai'i Revised Statutes, and Chapter 11-200, Hawai'i Administrative Rules. Please publish notice of this FEIA in the next available edition of the Environmental Notice.

Enclosed are the following:

- (a) Two (2) hard copies of the FEIA;
- (b) One (1) Completed OEQC publication form;
- (c) A CD containing the FEIA in pdf, and the OEQC publication in pdf and Microsoft Word.

Please contact Ka`aina Hull of my Department at (808)241-4059 if there are any questions or concerns

Sincerely,

MICHAEL A. DAHILIG
Director of Planning

**Publication Form
The Environmental Notice
Office of Environmental Quality Control**

Name of Project: Swimming pool, 4890 Lawai Road, Koloa, Kauai, Hawaii

Applicable Law: Chapter 343, Hawaii Revised Statutes, and Chapter 11-200, Hawaii Administrative Rules

Type of Document: Final Environmental Impact Assessment

Island: Kauai

District: Koloa

TMK: (4th) 2-6-12-01

Permits Required: County of Kauai
Shoreline Setback Variance
Class IV Zoning Permit
Special Management Area Use Permit (minor)
Building Permit

Name of Applicants: David G. Jorgensen and M. Annette Thatcher Jorgensen,
Co-Trustees of the David and Annette Jorgensen Revocable
Trust, dated August 12, 1993, as amended
20 Zapata Way
Portola Valley, CA 94028
Tel. c/o Walton D. Y. Hong (808) 245-4757

Approving Agency: Planning Commission of the County of Kauai
4444 Rice Street, Suite A-473
Lihue, HI 96766

Consultant: Walton D. Y. Hong
3135-A Akahi Street
Lihue, HI 96766 Tel. (808) 245-4757

Status: 30-day comment period completed, with no
comments received, anticipated FONSI

Project Summary: The Applicants propose to construct a 12' by 16' swimming pool within the existing patio of a single family residence at 4890 Lawai Road, Koloa, Kauai, Hawaii. The existing residence and patio were built under the previously permitted 20' shoreline setback. Under Kauai's current

standards, the shoreline setback has increased to 40', resulting in portions of the residence and most of the patio being within the 40' shoreline setback area. Approximately half of the proposed pool will be within the 40' shoreline setback area, but not closer than 30' from the shoreline.

As the pool will be built within the existing patio, no additional encroachment into the shoreline setback area will result. The in-the-ground pool will not result in any adverse environmental impacts to the property and fronting shoreline due to its limited scope and location.

Comments:

No comments were received.

FINAL ENVIRONMENTAL IMPACT ASSESSMENT

for

Swimming Pool
4890 Lawai Road
Koloa, Hawaii

(Tax Map Key: (4th) 2-6-12-01

Applicants: David G. Jorgensen and M. Annette Thatcher Jorgensen,
Co-Trustees of the David and Annette Jorgensen
Revocable Trust, dated August 12, 1993, as amended

PROJECT PROFILE

Proposed Action: Swimming pool (12' x 16') in existing patio

Applicants: David G. Jorgensen and M. Annette Thatcher Jorgensen, Co-Trustees of the David and Annette Jorgensen Revocable Trust, dated August 12, 1993, as amended

Approving Agency: Planning Commission of the County of Kauai
4444 Rice Street, Suite A-473

Need for Assessment: Section 343-5(a)(3)
Propose any use within a shoreline setback area as defined in Section 205A-41, H.R.S,

Tax Map Key: (4th) 2-6-12-01
Land Area: 20,348 square feet
Swimming pool: 192 square feet (12' by 16'), of which approximately half being within the shoreline setback area

Land Owner: David G. Jorgensen and M. Annette Thatcher Jorgensen, Co-Trustees of the David and Annette Jorgensen Revocable Trust, dated August 12, 1993
20 Zapata Way
Portola Valley, CA 94028

Existing Use: Residential

State Land Use Designation: Urban
Kauai General Plan Residential Community
Zoning: Residential
Special Management Area; Within Special Management Area

Anticipated Determination: Finding of No Significant Impact

Contact Person: Walton D. Y. Hong
3135-A Akahi Street
Lihue, HI 96766

Telephone: (808) 245-4757

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DESCRIPTION OF THE PROPOSED PROJECT

Applicants David G. Jorgensen and M. Annette Thatcher Jorgensen, Co-Trustees of the David and Annette Jorgensen Revocable Trust, dated August 12, 1993 recently acquired that certain parcel of improved residential property at 4890 Lawai Road, Koloa, Island and County of Kauai,, State of Hawaii, more particularly identified as Kauai Tax Map Key: 2-6-12-01. The property contains an area of 20,348 square feet, more or less, and is a shallow lot located between Lawai Road and the shoreline. A copy of the tax map, showing the subject property is attached hereto as Exhibit "A". A copy of a plot plan for the subject property is attached hereto as Exhibit "B":

The Applicants desire to construct a 12 feet by 16 feet swimming pool, half of which would be located within the current shoreline setback area of 40' from the shoreline. The pool would be constructed within the existing patio of the residence.

A. Technical Characteristics

The property contains a four-bedroom, four and a half bath, single family residence of approximately 3,491 square feet, and was completed around 1991. A cement patio is located on the ocean side of the kitchen, with the edge of the patio being at the original 20' shoreline setback line. The property also contains a guest cottage, connected to the main residence by a walkway.

In January of 2008, the County of Kauai, by Ordinance No. 863, redefined the shoreline setback area. As applicable to the Applicant's property, the shoreline setback line is 40' from the certified shoreline (from its previous 20'). The shoreline fronting the property is fixed by a seawall.

The Applicants desire to construct a swimming pool of 12' by 16', to be located within the existing patio area. A drawing showing the proposed pool in relation to the patio area and the setback lines is attached hereto as Exhibit "C". About half of the proposed pool would be within the new 40' shoreline setback.

Section 343-5(3) of the Hawaii Revised Statutes requires an environmental assessment for any use within the shoreline area as defined in section 205A-41, H.R.S., thus requiring this environmental impact assessment.

B. Economic Characteristics

The estimated cost of the proposed swimming pool would be \$40,000, which would be an immediate and direct economic benefit. Costs of maintaining the proposed pool would be approximately \$2,500 annually, under a maintenance contract with a pool company.

As the pool is intended for the use and pleasure of the occupants of the residence, the proposed action would not result in any direct economic benefit to the Applicants. It will make the residence more attractive for rental purposes when not in use by the Applicants.

C. Social Characteristics

The proposed action will not affect the social characteristics of the area, and would be similar to other homes along Lawai Road with swimming pools.

EXISTING CONDITIONS

A. Existing Use and Improvements

The property contains a four-bedroom, four and a half bath, single story family residence of approximately 3,491 square feet, as well as a guest cottage. The property is duly registered with the County of Kauai as a transient vacation rental unit, and is used for short term transient vacation rentals.

Photographs of the exterior of residence are attached hereto as Exhibit "D".

B. Environmental Conditions

The property is within the Poipu/Koloa urban area. The ground elevation of the property is approximately 8-10 feet above mean sea level. The makai boundary for the property is the seashore, while the mauka boundary is along Lawai Road.

An existing seawall locates the seaward boundary of the property, makai of which are the rocky headlands found in the area.

The natural drainage for the property is into the sea. A drainage swale diverts runoff water from the Kukui'ula development immediately across Lawai Road away from the property.

As the property already contain existing improvements, a cultural impact assessment is not necessary. The property has not been found to be the site of any heiau.

There are no endangered or threatened flora or fauna on the property.

As the proposed pool is grade level, it cannot be seen by people traversing the shoreline fronting the property. As such, the proposed activity would not result in any visual impact.

C. Land Use Controls

State and County land use controls governing the use of the property are listed and discussed below.

- State Land Use Designation Urban
- Kauai General Plan: Residential Community
- County Zoning: Residential
- Special Management Area: Within Special Management Area
- Shoreline Setback: Within the shoreline setback

The residential uses of the property are within the allowable uses under the State Land Use, the Kauai General Plan, and the County Zoning designations. Appropriate permits will be obtained

from the County for the proposed use within the Special Management Area and the Shoreline Setback Area.

D. Public Facilities

Other than the shoreline, there are no public facilities on or near the property. The nearest beach park with public facilities is the Spouting Horn Park to the west.

DISCUSSION OF POTENTIAL ENVIRONMENTAL IMPACTS AND MEASURES TO MITIGATE ADVERSE EFFECTS

The scope of the proposed use is relatively modest, with little or no significant environmental impacts requiring mitigation. This environmental impact assessment is nonetheless required only because a portion of the proposed swimming pool will fall within the 40' shoreline setback area as established by the County of Kauai.

- There are no rare, threatened or endangered flora or fauna within the project site..
- There are no recorded archaeological resources within the already developed project site .
- There are no cultural resources associated with the project limits.
- The proposed use will not have any visual impacts as viewed from the fronting shoreline.

A. Short-term impacts

The proposed improvement should not adversely affect ambient air quality. Excavation will be limited to the area of the 12' by 16' pool and its apron. Fugitive dust, if any, from the work, can be mitigated by watering down of the work.

Construction noise can be expected during the course of construction. Construction will be limited to normal working hours, five days a week, to minimize any inconvenience to the neighbors. The construction will also result in an increase of construction traffic along Lawai Road, but the increase will not be significant.

Should the construction unexpectedly uncover any archaeological or cultural features, or skeletal remains, work will be halted and the State Historic Preservation Office will be immediately notified. The Kauai Police Department will also be notified in the event of skeletal remains.

B. Long-term impacts

There will be no significant long-term impacts from the proposed use.

ALTERNATIVES TO THE PROPOSED ACTION

The only alternative to the proposed action is “No Action”. This no action alternative will preserve the status quo of the property, without any public benefit.

The no-action alternative will deprive the Applicants of a reasonable, unobtrusive use of their property, similar to which many of the other property owners of lots on the makai side of Lawai Road currently enjoy.

PERMITS AND APPROVALS

Permits and approvals required for the project are listed below. Other permits and approvals may be required, depending on final construction plans

Planning Commission of the County of Kauai

Shoreline Setback Variance
Class IV Zoning Permit

Planning Department of the County of Kauai

Special Management Area Use Permit (minor)
Building Permit

AGENCIES AND ORGANIZATIONS CONSULTED IN THE ASSESSMENT PROCESS

County of Kauai Planning Department

Pre-Assessment Consultation:

County of Kauai Planning Department
Kauai County Planning Director Michael Dahilig
Ginny Latham, architect

DETERMINATION OF SIGNIFICANCE

Chapter 200 (Environmental Impact Statement Rules) of Title 11, Administrative Rules of the State Department of Health, establishes criteria for determining whether an action may have significant effects on the environment (§11-200-12). These criteria, as applied to the proposed use, are as follows:

(1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource:

As the proposed use will be within an existing improvement, no irrevocable commitment to loss or destruction of any natural or cultural resource will result.

(2) Curtails the range of beneficial uses of the environment:

The proposed action will not curtail the beneficial uses of the environment. The use of the shoreline fronting the property will continue to be available to the public.

(3) Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, Hawaii Revised Statutes, and any revisions thereof and amendments thereto, court decisions or executive orders:

The proposed action will not conflict with the State's long-term environmental policies, goals, and guidelines expressed in Chapter 344, Hawaii Revised Statutes.

(4) Substantially affects the economic or social welfare of the community or State:

The proposed use will not substantially affect the economic or social welfare of the community or State.

(5) Substantially affects public health:

The proposed use will not affect public health, as it is a limited use on private property without any emissions or other environmental effects.

(6) Involves substantial secondary impacts, such as population changes or effects on public facilities:

Secondary impacts, such as population changes or effects on public facilities, are not anticipated due to the limited scope of the proposed use and non-involvement of public facilities.

(7) Involves a substantial degradation of environmental quality:

No degradation of environmental quality will result from the proposed use due to

its limited magnitude.

(8) Is individually limited but cumulatively has considerable effect the environment or involves a commitment for larger actions:

The proposed use does not involve any commitment for larger actions. It is individually limited to the Applicant's residential lot and, like other pools in the area, will not have any considerable effect on the environment.

(9) Substantially affects a rare, threatened or endangered species, or its habitat:

The proposed use will not affect any rare, threatened or endangered species or its habitat.

(10) Detrimentially affects air or water quality or ambient noise levels:

The proposed use, due to its limited size and scope, will not detrimentally affect air or water quality or ambient noise levels.

(11) Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal water:

Although the project site is along the shoreline and in a tsunami inundation zone, the in-ground swimming pool would probably incur less damage than the existing single family residence within which the pool will be partially located. The pool would not affect the shoreline. The proposed site is not within an erosion-prone area, geologically hazardous area, estuary or fresh water source.

(12) Substantially affects scenic vistas and view planes identified in county or state plans or studies

The project site is not within any scenic vistas or view planes identified in any county or state plans or studies. Further, the in-ground pool would not be visible to the general public who may be traversing the shoreline in front of the property.

(13) Requires substantial energy consumption:

While the pool pump will require electrical consumption, such consumption would not be significant.

Anticipated Finding of No Significant Impact (FONSI)

Based on the above criteria, the proposed project should not result in significant adverse environmental impacts. Potential environmental impacts are sufficiently disclosed in this Environmental Impact Assessment, and an Environmental Impact Statement is not warranted. Therefore, a Finding of No Significant Impact (FONSI) is anticipated.

Comments Received

No comments were received during the comment period for the Draft Environmental Impact Assessment.

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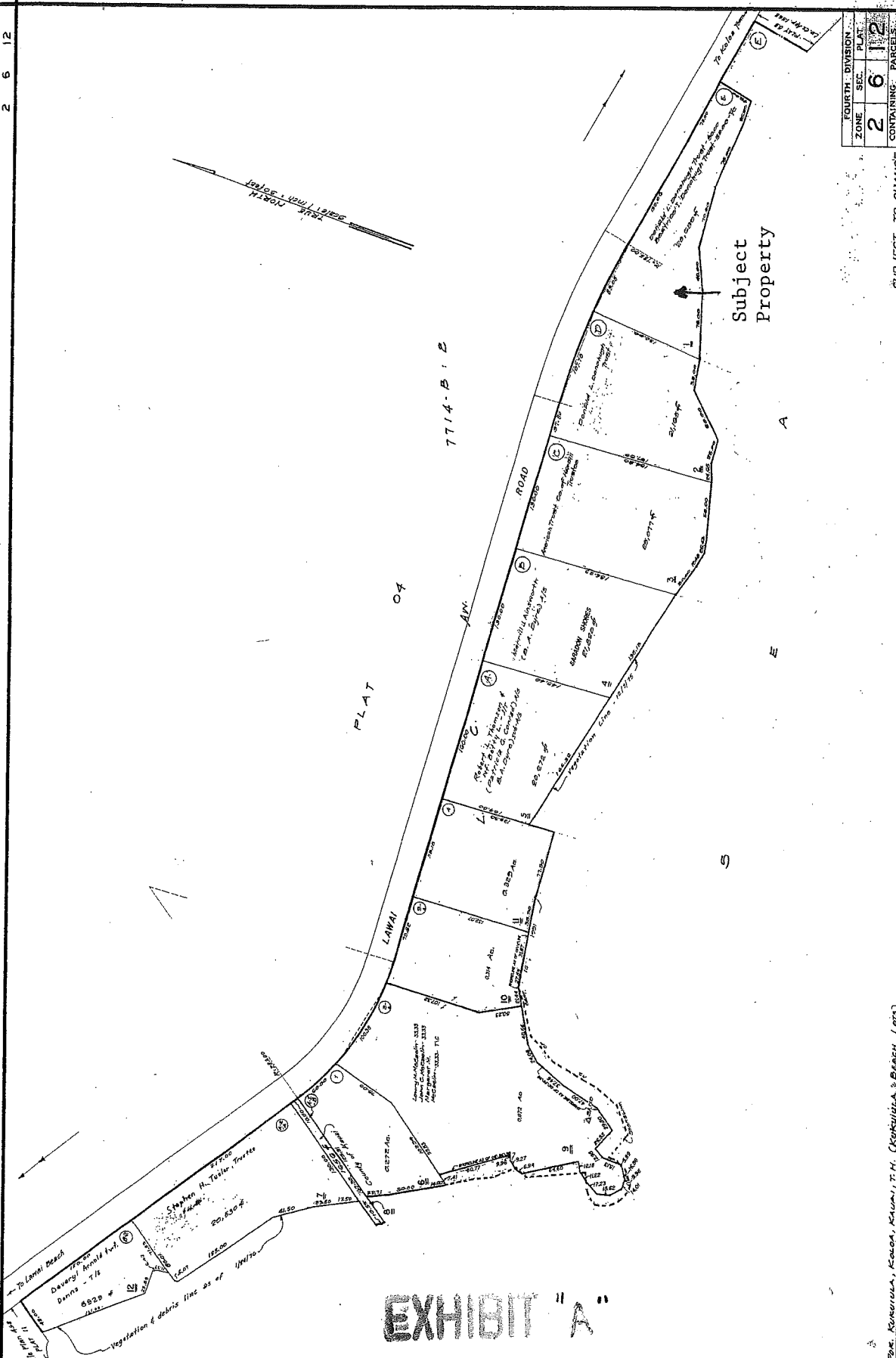


EXHIBIT "A"

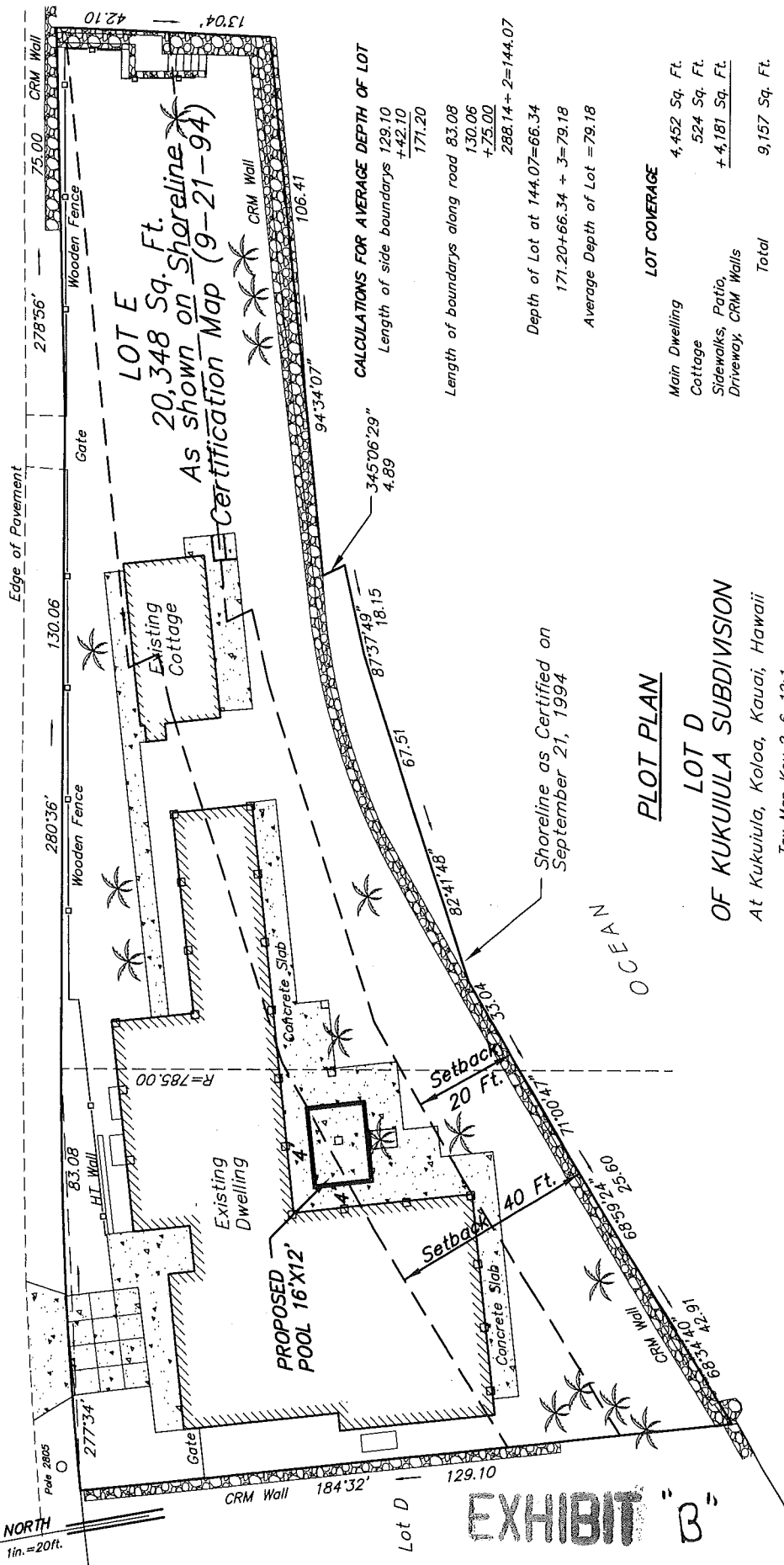
FOURTH DIVISION	2
ZONE	6
SEC. PLAT	12
CONTAINING PARCELS	2
SCALE: 1 IN. = 50 FT.	

SUBJECT TO CHANGE

FILE: KANEHOLA, KAWA, KAUAI, T. H. (KANEHOLA & BEACH LOTS)

Orig. No.: 2021
 Source: Takahira Maps Bureau
 By: HT & MD August, 1940

LAWAI BEACH ROAD



LOT E
 20,348 Sq. Ft.
 As shown on Shoreline
 Certification Map (9-21-94)

CALCULATIONS FOR AVERAGE DEPTH OF LOT
 Length of side boundaries 129.10
 +42.10
 171.20

Length of boundaries along road 83.08
 130.06
 +75.00
 288.14 + 2 = 144.07
 Depth of Lot at 144.07 = 66.34
 171.20 + 66.34 + 3 = 79.18
 Average Depth of Lot = 79.18

LOT COVERAGE

Main Dwelling	4,452 Sq. Ft.
Cottage	524 Sq. Ft.
Sidewalks, Patio, Driveway, CRM Walls	+ 4,181 Sq. Ft.
Total	9,157 Sq. Ft.

PLOT PLAN
LOT D
OF KUKUIULA SUBDIVISION
 At Kukuiula, Koloa, Kauai, Hawaii

Tax Map Key 2-6-12:1
 September 14, 2012

Shoreline as Certified on
 September 21, 1994

TRUE NORTH
 Scale: 1in. = 20ft.

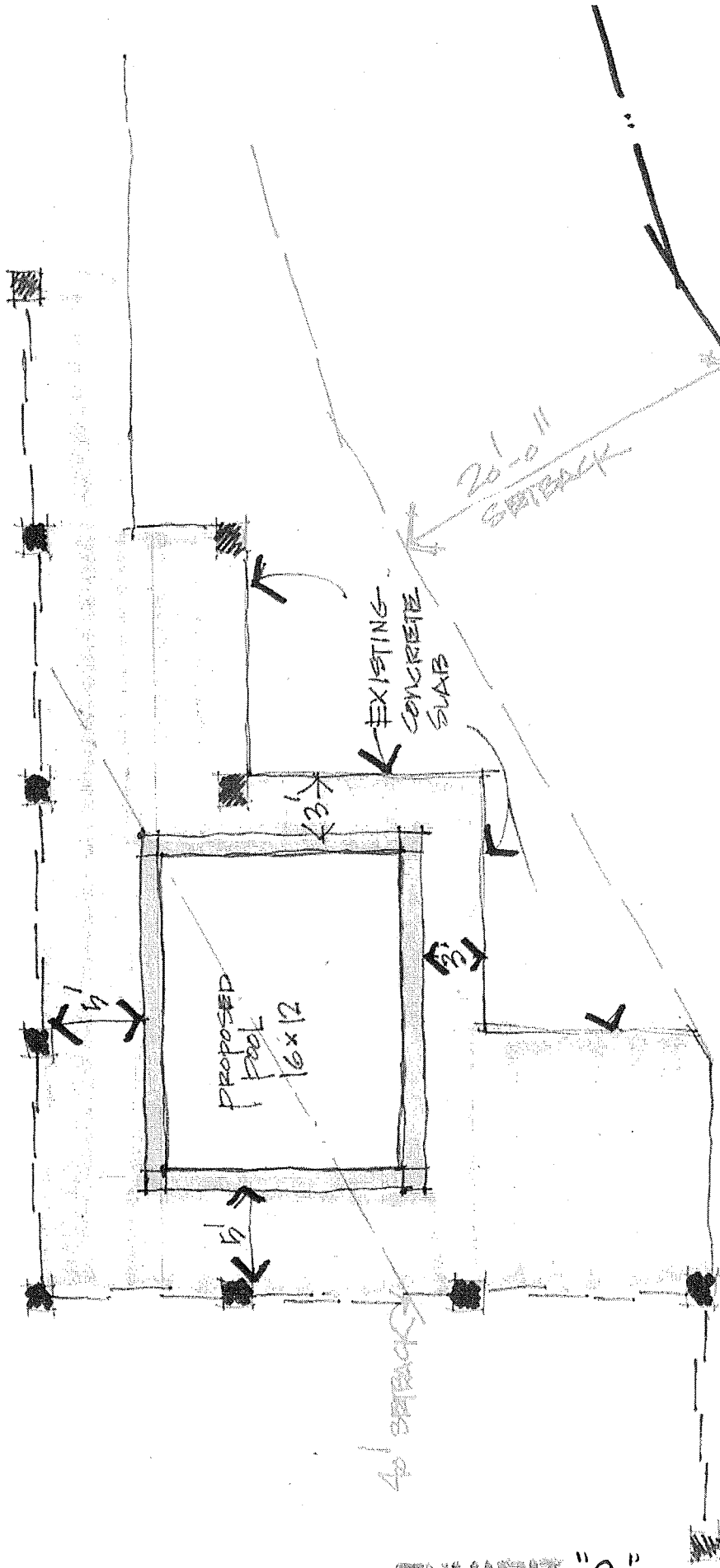
Lot D

EXHIBIT "B"

HIRANAKA SURVEYING AND MAPPING
 Lihue, Kauai, Hawaii

HT2-1251

EXISTING
RESIDENCE



(OCEAN)

POOL PLAN
SCALE: 1/8" = 12"

EXHIBIT "C"

EXHIBIT "D"



