

**Shoreline Setback Determination / Variance  
County of Kauai, Planning Department (PD)**

**Purpose:** This Variance is for all structures and activities performed in the "Shoreline Area." All projects on properties touching the shoreline trigger the need for this review.

**Approval Authority:** County of Kauai, County Code Chapter 8 CZO, Ordinance No. 979

**Potential Approval Prerequisites:** If the proposed project triggers HRS Chapter 343, the Environmental Impact Statements law, submit a completed Environmental Assessment (EA), Environmental Impact Statement (EIS), or a letter of exemption from HRS Chapter 343 from the proper authority.

**Fees:** Application Fee is required – Review guideline link below.

**For Guidelines and Fees:**

<http://www.kauai.gov/Government/Departments/PlanningDepartment/ZoningandLandUsePermits/ResourceDocuments/tabid/627/Default.aspx>, see Use Permit and General Submittal Requirements documents

[http://www.kauai.gov/Portals/0/Planning/Ord\\_979\\_Shoreline\\_Setback.pdf](http://www.kauai.gov/Portals/0/Planning/Ord_979_Shoreline_Setback.pdf)

**Contact Information:** Kauai PD (808) 241-4050

<b>Checklist / Process</b>	<b>Chronology</b>
<p>1. Complete and submit a Shoreline Setback Application to the PD. Verify that all information requested in the intake checklist is completed and included as well.</p> <p>The Shoreline Setback Application contains four processes (Parts); one or more of which must be selected by the applicant:</p> <p style="padding-left: 40px;">Part A – Shoreline Setback Determination of Applicability</p> <p style="padding-left: 40px;">Part B – Exemption Determination</p> <p style="padding-left: 40px;">Part C – Shoreline Setback Determination</p> <p style="padding-left: 40px;">Part D – Shoreline Setback Variance</p> <p>If an EA or EIS is required, the completed EA or EIS must be submitted as part of the application.</p>	<p>Generally, 1 to 3 months (not including time to prepare EA or EIS)</p>
<p>2. PD staff reviews and makes determinations or recommendations as needed.</p>	<p>1 to 3 months</p>
<p>3. Permits are issued only upon Kauai Planning Commission acceptance, except as provided in 8-27.8(c)(8).</p>	<p>1 to 3 months</p>
<p><b>Estimated Time from Completed Application Acceptance</b></p>	<p><b>3 – 9 months</b></p>

**Other Application Considerations:**

1. If the Planning Director or Planning Commission fails to take action within the time limits prescribed in the CZO, Chapter 8, unless the applicant agrees to extended time limits, the application shall be deemed approved.
2. If multiple permits are required for one facility (e.g., Class IV, Use Permit, and Variance for a biomass facility), the permits may be consolidated into one hearing and one public comment period.
3. For projects near residential areas or other inhabited structures, be sure the potential impacts from fires, explosions, and hazardous materials releases are analyzed and considered.
4. Kauai County may not issue a Building Permit for a project until all zoning permits for that project are approved.
5. Applications for projects above the permitted height limits may be routed to the appropriate state agencies for review (e.g., Department of Transportation).