

**Bernard P. Carvalho, Jr.**  
Mayor



**FILE COPY**

**Michael A. Dahilig**  
Director of Planning

**Gary K. Heu**  
Managing Director

**Dec M. Crowell**  
Deputy Director of Planning

**PLANNING DEPARTMENT**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite A-473, Lihu'e, Hawai'i 96766  
TEL (808) 241-4050 FAX (808) 241-6699

**DEC 06 2012**

RECEIVED  
DEC 19 10:52  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

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

RE: Draft Environmental Assessment (DEA) 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 reviewed the Draft Environmental Assessment for the subject project, and anticipates a Finding of No Significant Impact (FONSI) determination. Please publish notice of availability for this project in the next issue of the Environmental Notice. We have enclosed four (4) hard copies of the Draft EA document along with the Applicant's project summary and the OEQC Bulletin Publication Form, together with a CD containing said documents.

If you wish to provide comments regarding this project, please respond by January 6, 2013. If no response is received by the January 6, 2013, we will assume that no comments are forthcoming. Please contact Ka'aina Hull of our Planning Department staff at 241-4059 if you have any questions.

Sincerely,

**MICHAEL A. DAHILIG**  
Director of Planning

Enclosures

cc: Walton D.Y. Hong, Attorney for Applicant

**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:** Draft 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:** Statutory 30-day comment period, 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

RECEIVED  
DEC 19 3:53  
OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

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.

# **ENVIRONMENTAL IMPACT ASSESSMENT**

for

Swimming Pool  
4890 Lawai Road  
Koloa, Hawaii

(Tax Map Key: (4<sup>th</sup>) 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 (10' x 15') 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: (4<sup>th</sup>) 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

## TABLE OF CONTENTS

---

	Project Profile	1
	Table of Contents	2
	List of Exhibits	2
SECTION 1	DESCRIPTION OF THE PROPOSED ACTION	3
	A. Technical Characteristics	3
	B. Economic Characteristics	3
	C. Social Characteristics	4
SECTION 2	EXISTING CONDITIONS	5
	A. Existing use and Improvements	5
	B. Environmental Conditions	5
	C. Land Use Controls	5
	D. Public Facilities	6
SECTION 3	DISCUSSION OF POTENTIAL ENVIRONMENTAL IMPACTS AND MEASURES TO MITIGATE ADVERSE EFFECTS	7
	A. Short-term impacts	7
	B. Long-term impacts	7
SECTION 4	ALTERNATIVES TO THE PROPOSED ACTION	8
SECTION 5	PERMITS AND APPROVALS	9
SECTION 6	AGENCIES AND ORGANIZATIONS CONSULTED IN THE ASSESSMENT PROCESS	10
SECTION 7	DETERMINATION OF SIGNIFICANCE	11
EXHIBIT A	Tax Map, showing subject property	
EXHIBIT B	Plot plan of subject property	
EXHIBIT C	Drawing of proposed pool within patio	
EXHIBIT D	Photographs of exterior of residence/cottage	

## 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) Detrimently 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**

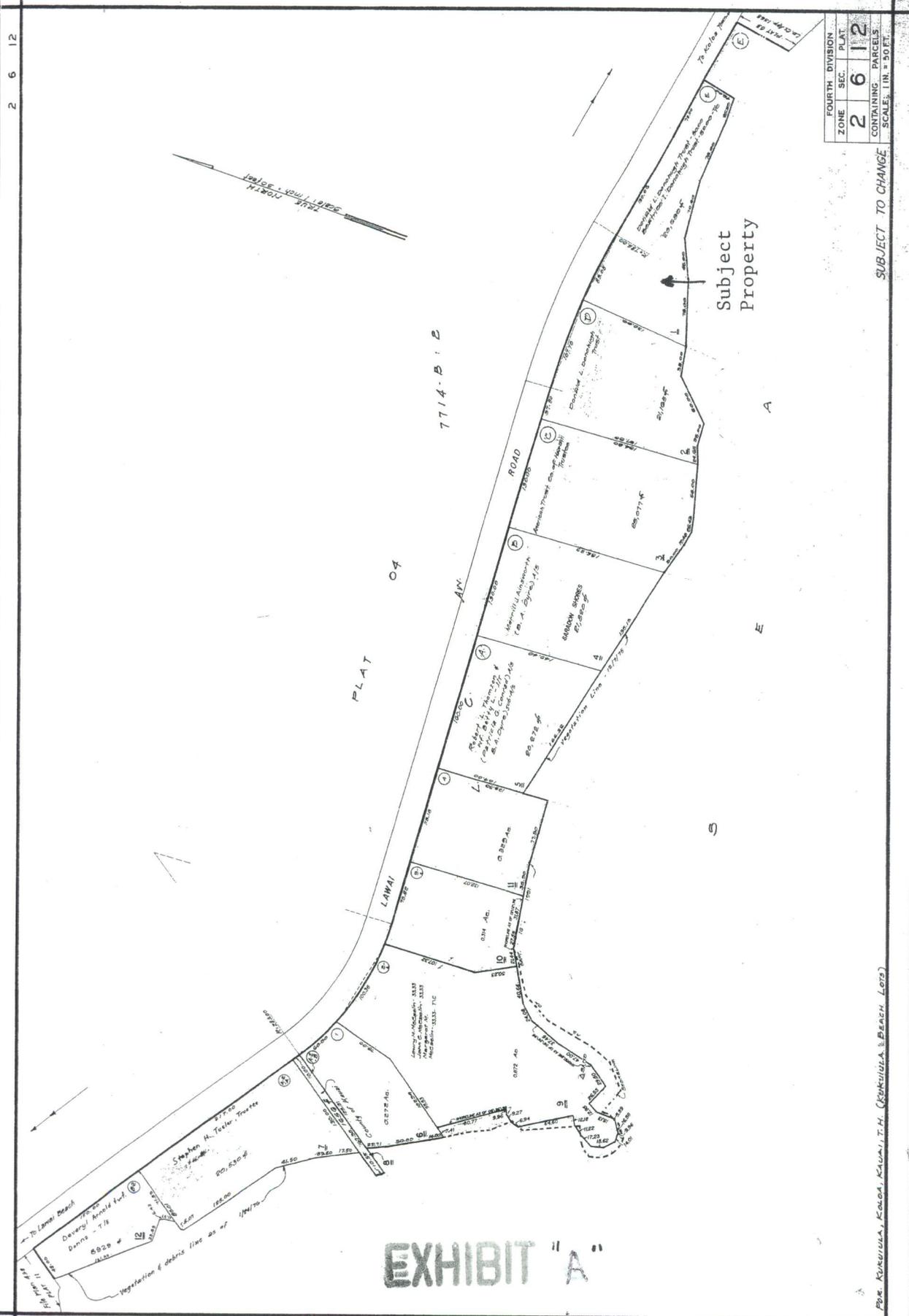
The project site is not within any scenic vistas or view planes identified in any county or state plans or studies. Further, the in-ground pool would not be visible to the general public who may be traversing the shoreline in front of the property.

**(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.



FOURTH DIVISION	SEC.	PLAT
2	6	12

CONTAINING PARCELS  
SCALE: 1 IN. = 50 FT.

SUBJECT TO CHANGE

EXHIBIT "A"

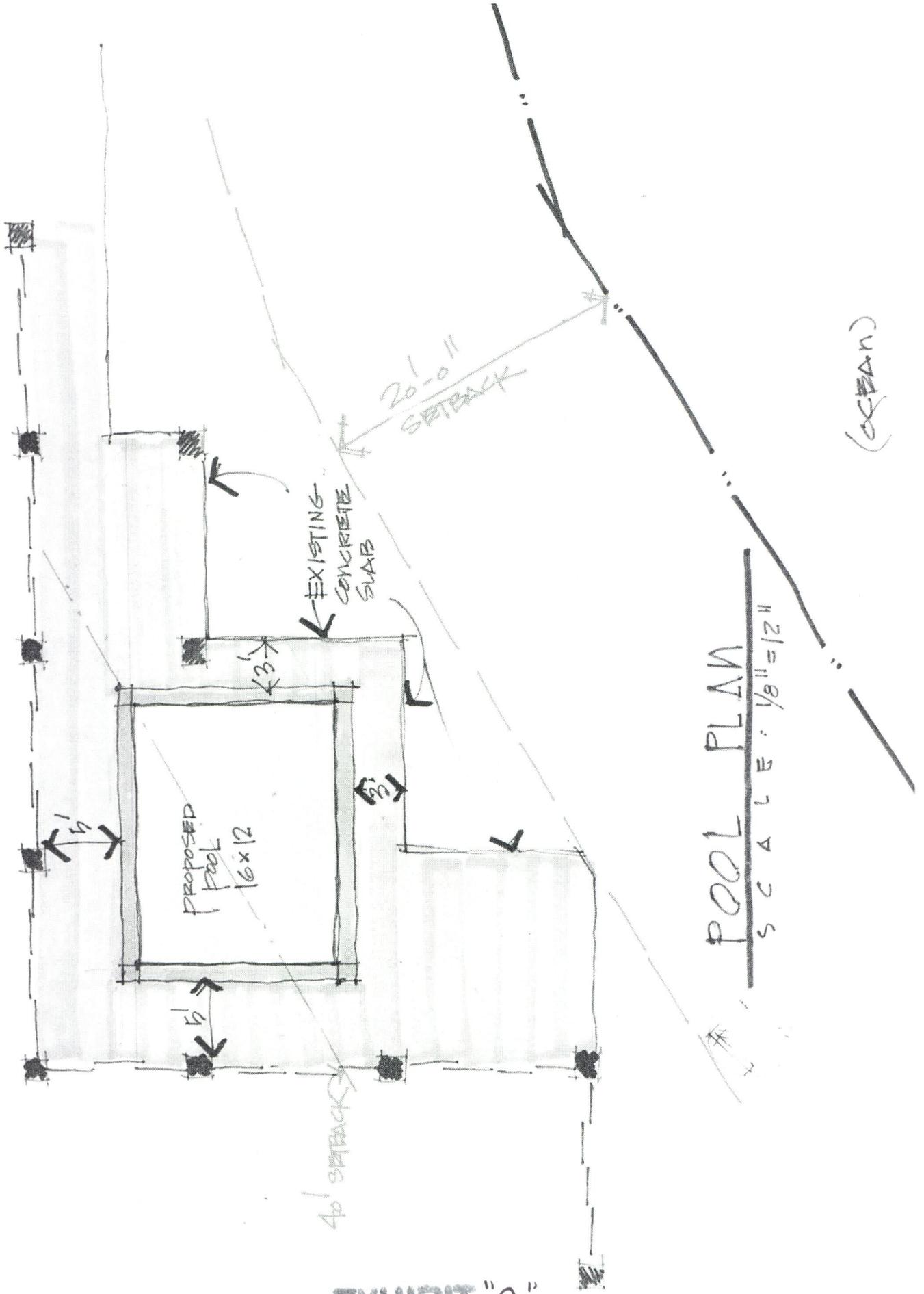
Eng. No.: 5221  
Source: Taxation Maps Bureau  
By: H.T. & M.D. August, 1940

1888  
1890  
1892  
1894  
1896  
1898  
1900  
1902  
1904  
1906  
1908  
1910  
1912  
1914  
1916  
1918  
1920  
1922  
1924  
1926  
1928  
1930  
1932  
1934  
1936  
1938  
1940

POS. KAKULUA, KAUAI, HAWAII (KAKULUA & BEACH LOTS)



EXISTING RESIDENCE



POOL PLAN  
SCALE: 1/8" = 12"

(OCEAN)

EXHIBIT "C"













