

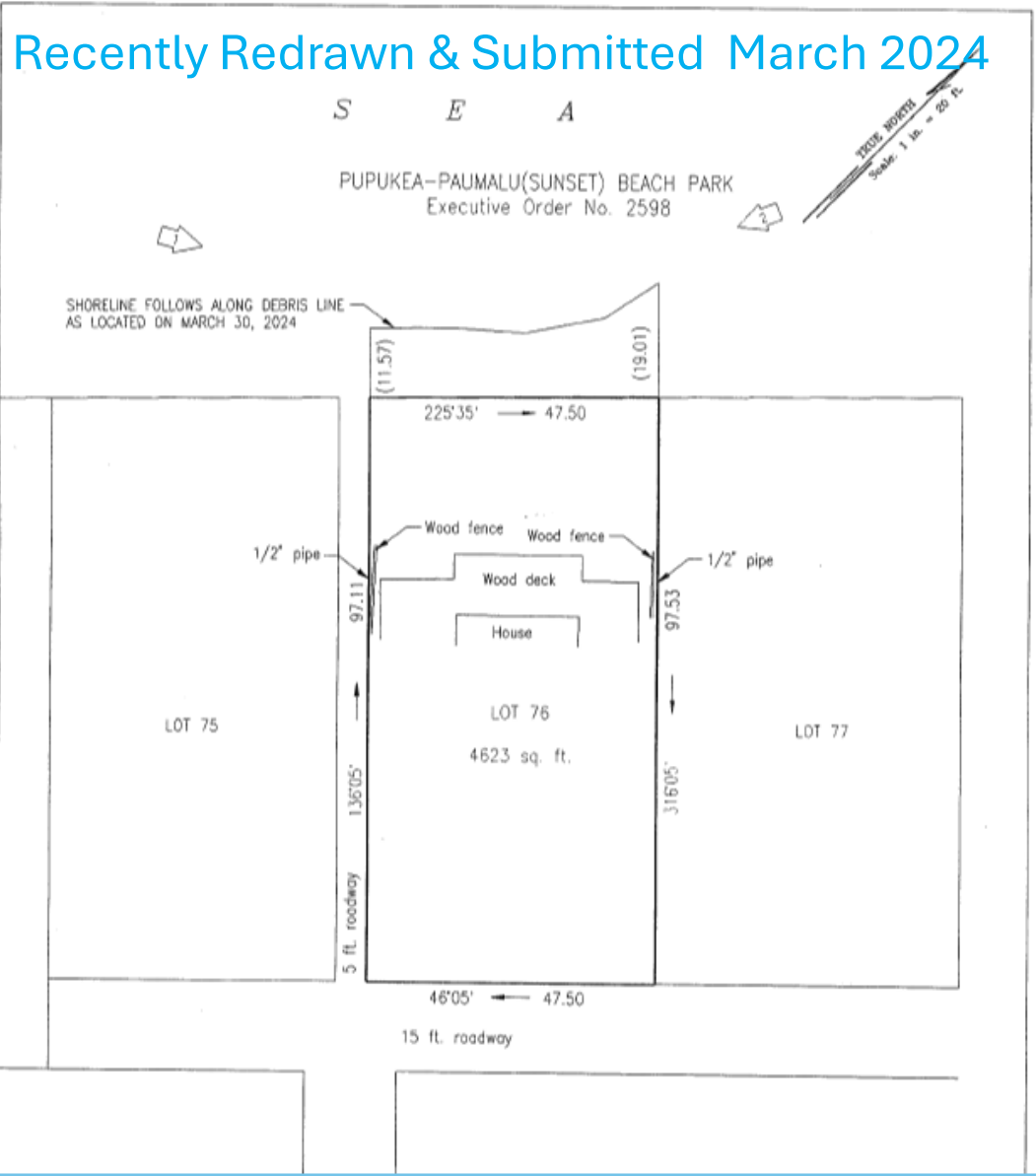
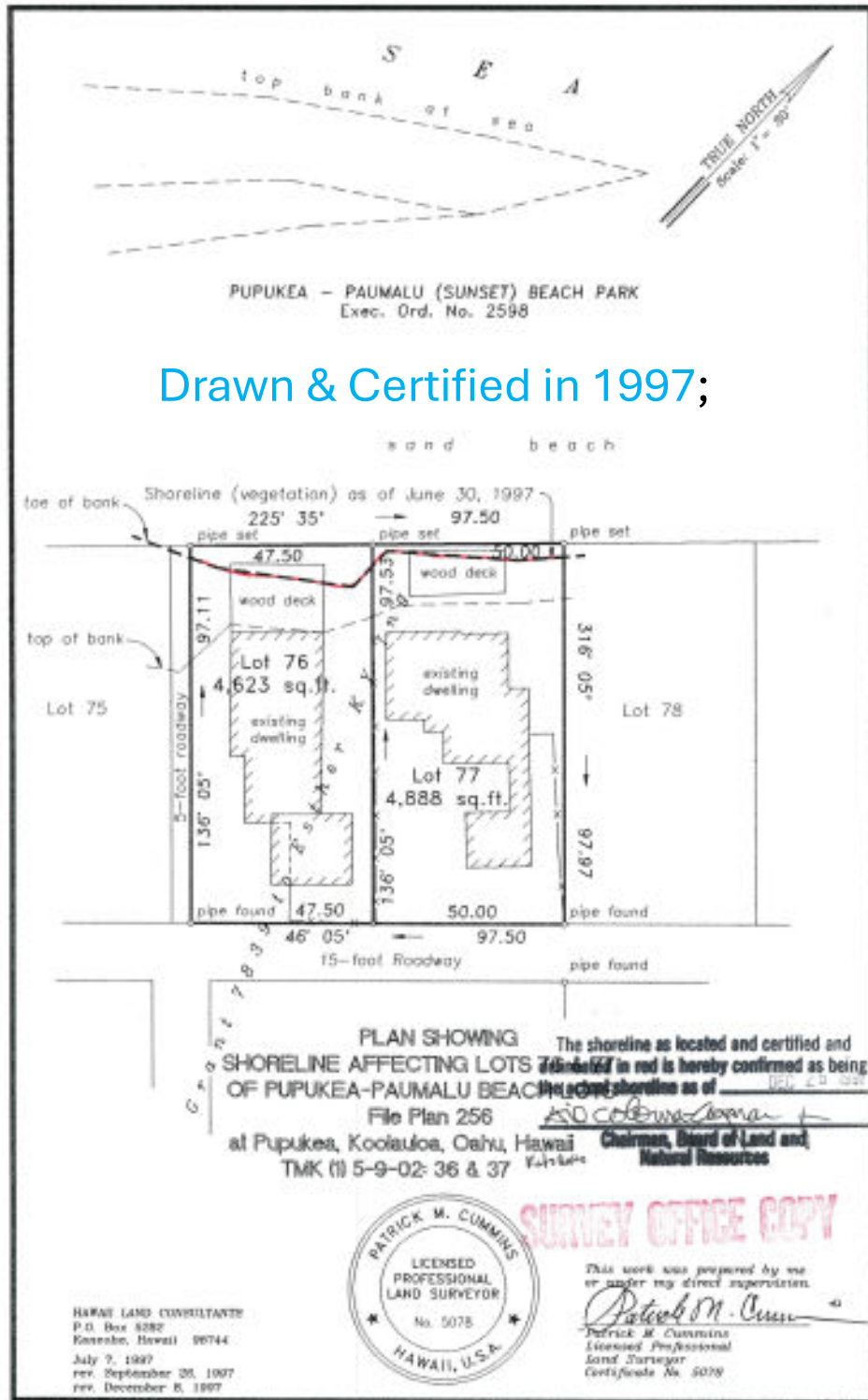
## Shoreline Properties Require Special Attention.

Rules, Regulations, and Jurisdictions Limit  
What Can Be Done.

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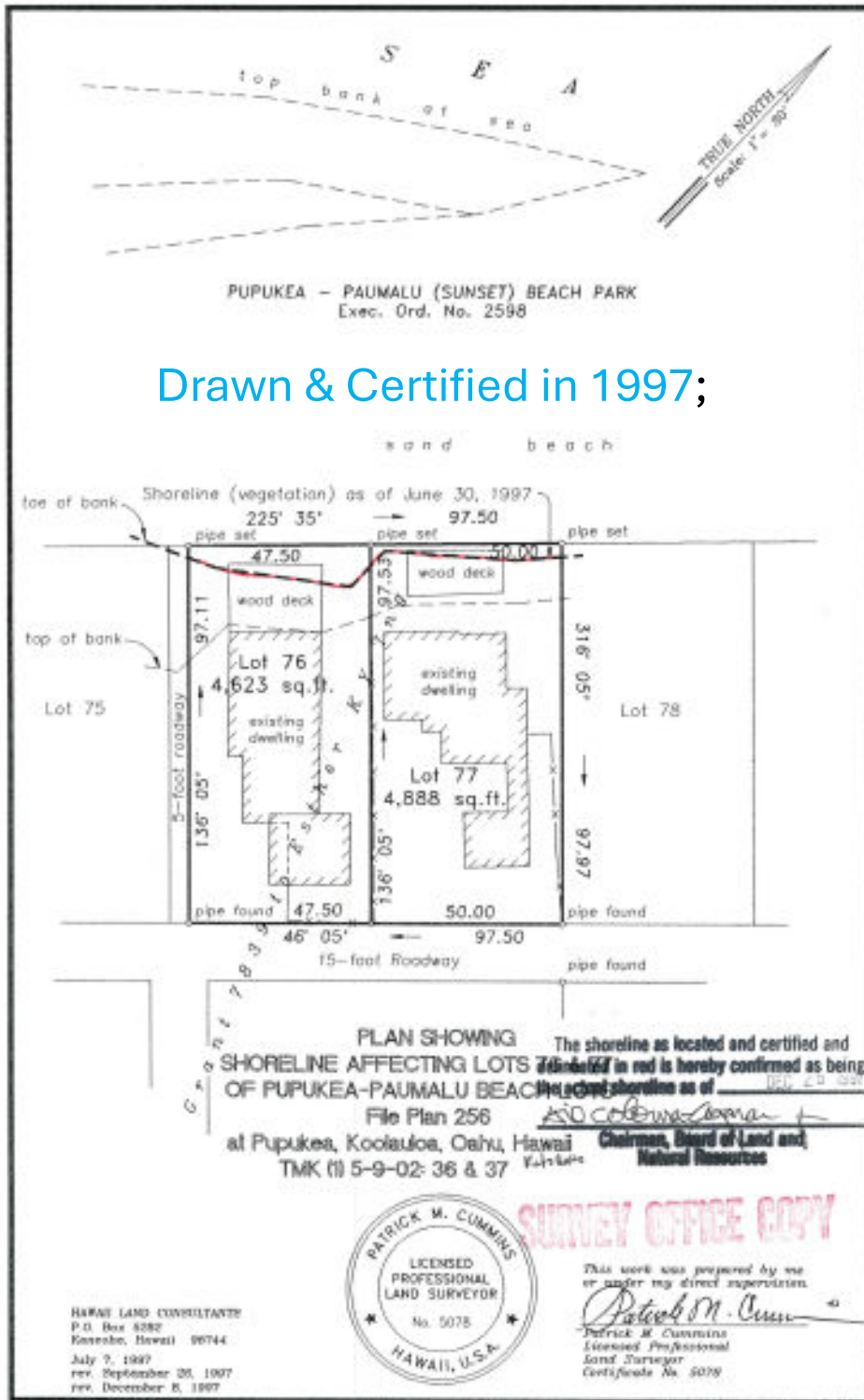


Shoreline Surveys Establish The Origins of the Shoreline Set Back Distances. Comparison of Shoreline Surveys After 27 Years Shows Changes Do Occur.

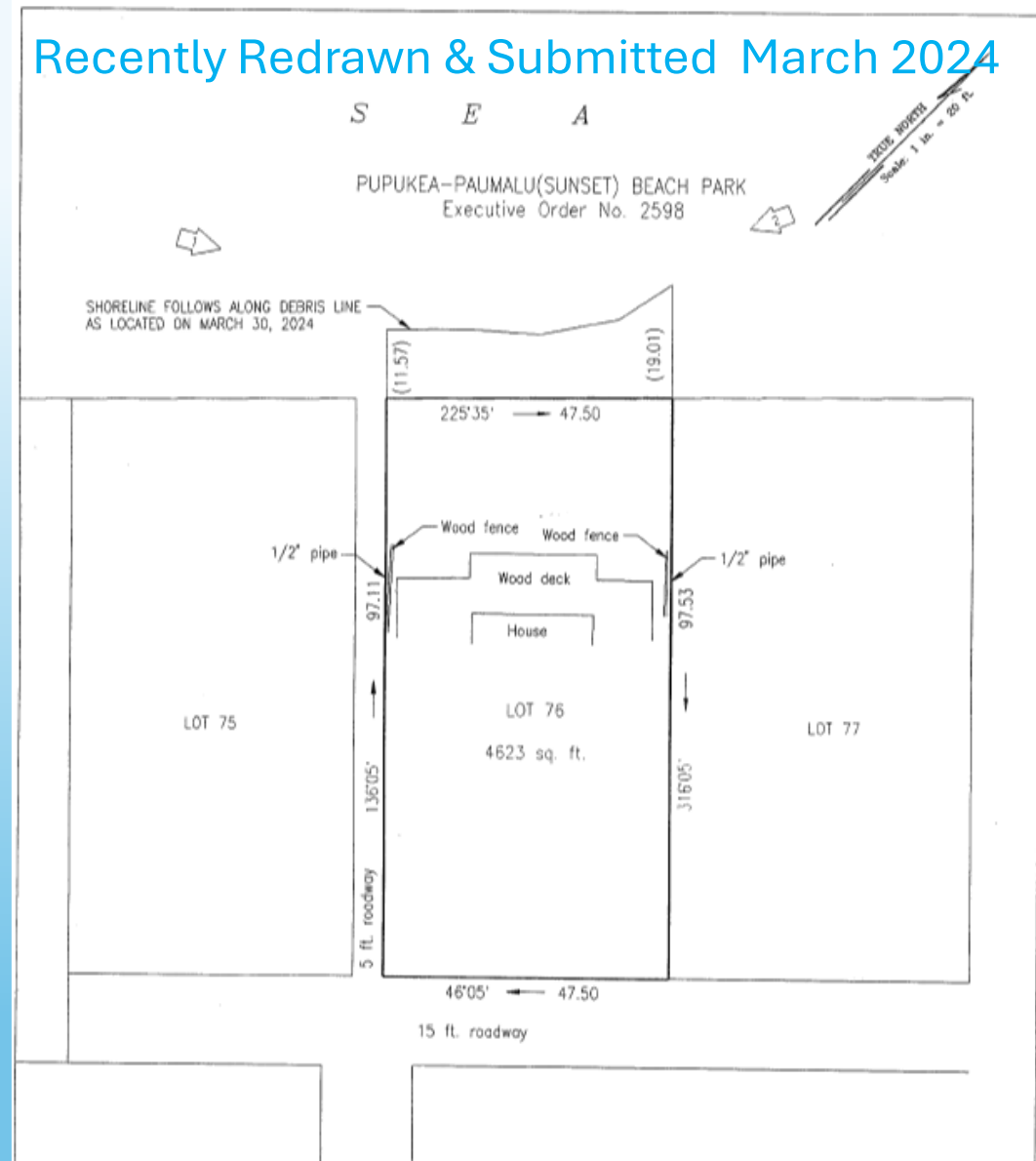


Shorelines Can Move Makai Towards The Sea. In This Example The Property Lot 76 (LH) Appears To Have Retreated. Means the Set Back for Lot 76 Also Retreats Makai As Well.

Drawn & Certified in 1997;



Recently Redrawn & Submitted March 2024

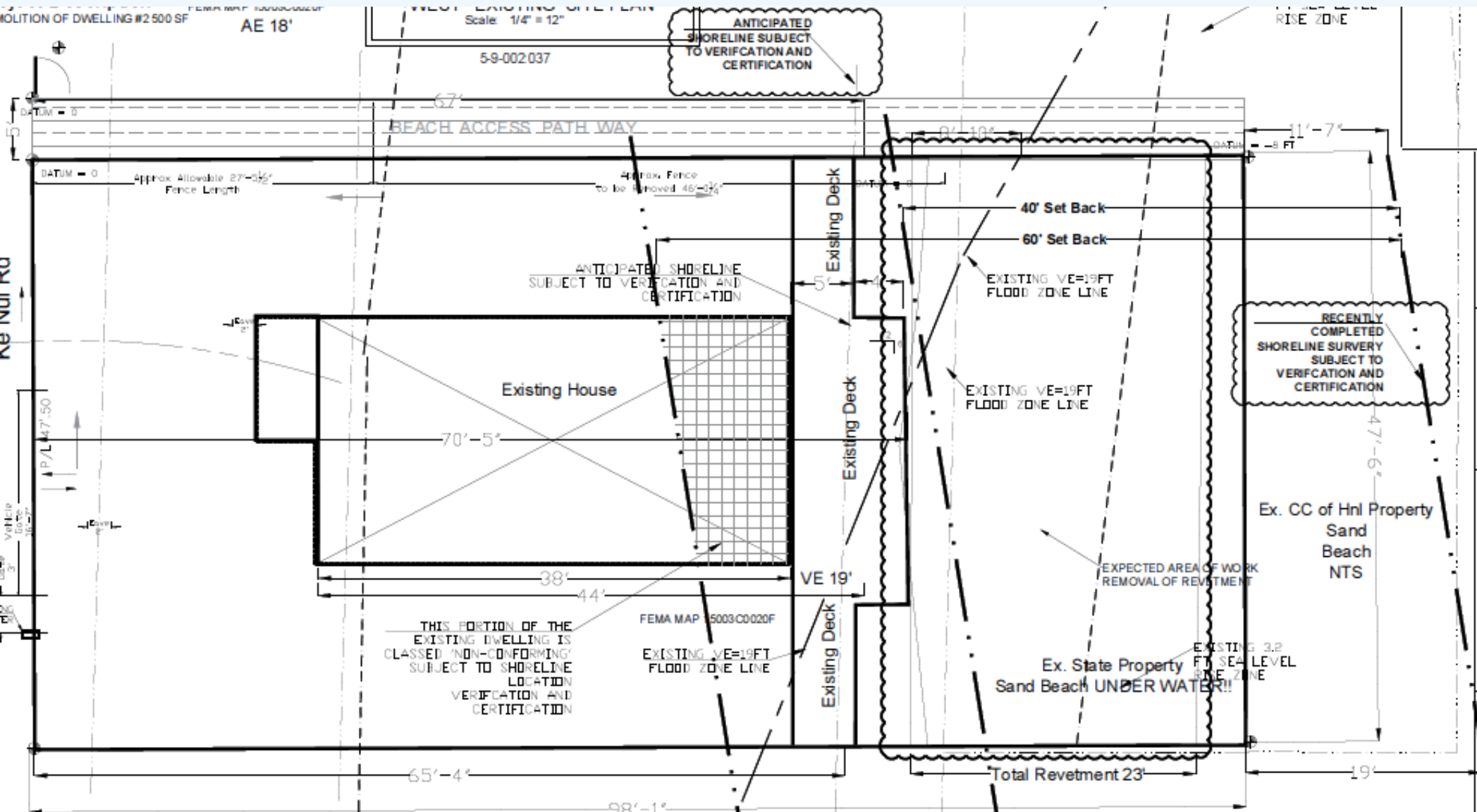




Shoreline Setback Area. All of the land area between the shoreline and the shoreline setback line.

This is a Required Drawing In Any Permit Application; DPP & SMA

The hatched area of the dwelling is classed as Non-Conforming per Chapter 26. This example reflects the new 60 foot set back from the Anticipated Shoreline After The New Survey. Shows a Significant Reduction of the Non-Conforming Portion of the Dwelling.



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§26-1.4 Establishment of the shoreline setback line.

(a) Except as otherwise provided in this section, the shoreline setback line is established 40 feet mauka from the certified shoreline until July 1, 2024, after which the shoreline setback line will be established at the following distances mauka from the certified shoreline:  
{1) Sixty feet plus 70 times the annual coastal erosion rate, up to a maximum setback of 130 feet, on zoning lots within all development plan and sustainable communities plan areas except the Primary Urban Center Development Plan area;

provided that any property owner who believes the annual erosion rate applicable to a specific zoning lot does not accurately represent the actual erosion rate for that zoning lot may submit an application to the director requesting approval of an alternative coastal erosion rate methodology and data for the zoning lot in accordance with the procedures and informational requirements set forth in the department's rules implementing this chapter.

(2) Sixty feet on zoning lots within the Primary Urban Center Development Plan area.

(3) Sixty feet on zoning lots where historical erosion data has not been collected for the Hawaii shoreline study, or its successor, where the historical erosion data show coastal accretion, or where the historical erosion data show an annual coastal erosion rate of zero.

**Chapter 26 wants a 60 foot set back or greater: Up to 130 foot set back depending upon the annual coastal erosion rate.**

**The deciding authority is the Shoreline/SMA group. They will use the submitted DPP Permit Plans Showing All of This Information To Make Their Determination.**

**Failure to Prepare and Submit The Required Set of Plans Will Likely End Up With a Determination of 130 foot Set Back For the Property.**

**Thus, the value of securing The Shoreline Survey is Obvious**

## Shoreline Properties Require Special Attention. Rules, Regulations, and Jurisdictions Limit What Can Be Done.

An Observation: The future of shoreline setbacks will render nearly every shoreline property with a dwelling as a Non-Conforming structure – Either in Part or in Whole.

§26-1.6 Nonconforming structures.

(a) A nonconforming structure may be repaired or altered [in any manner which documents the intended work]: provided that the repairs or alterations do not increase or intensify the nonconformity and the cumulative valuation of the repairs or alterations:

(1) Does not exceed 50 percent of **the replacement cost** over a 10-year period of that portion of the structure that is nonconforming and located 40 feet [expecting to be increased to 60 feet] or less from the certified shoreline; or

(2) Does not exceed 75 percent of **the replacement cost** over a 10-year period of that portion of the structure that is nonconforming and located more than 40 feet [expecting to be increased to 60 feet] from the certified shoreline but makai of the shoreline setback line.

(b) If a nonconforming structure is destroyed by any means to an extent of more than **50 percent of its replacement cost at the time** of destruction, it may not be reconstructed except in conformity with the provisions of this chapter and the shoreline setback rules as may be amended or superseded.

(c) Reconstruction of a nonconforming structure within the shoreline setback area requires a shoreline setback variance. A complex application.

Note: The Replacement Cost at the time. Not the value established by the Tax Office. This is a rather technical calculation and cannot be generated by an owner of a property...Has to be generated by an engineer, architect, or other professional acceptable to the DPP/SMA groups.

**Chapter 26 supplies a definition for Non-Conforming structures; i.e. Dwellings. To alter the position of a structure on a shoreline lot, or to perform a repair or reconstruction of a dwelling; a special application is required to be prepared along these guidelines.**

**These guidelines ARE NOT SIMPLISITIC. But, these are DO-ABLE.**

**Again, The deciding authority is the Shoreline/SMA group. They will use the submitted DPP Permit Plans Showing All of This Information To Make Their Determination.**

**Again, the value of securing The Shoreline Survey is Obvious**

I am interested in discussing your property.

Every property is unique having its own characteristics to be explored and understood.

To learn more of the options that might be available to your situation please

Send me a text: 808-738-6656 to connect when you are able.

Aloha

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