

Lucien Single Family
Residence

STATE OF HAWAII
Department of Land and Natural Resources
Planning Branch
Land Division
Honolulu, Hawaii

RECEIVED

July 10, 1998

'98 JUL 13 P3:50

OFF. OF ENVIRONMENTAL
QUALITY CONTROL

REF:PB:LT

File No.: HA-2893
180-Day Exp. Date: 11/2/98

Mr. Gary Gill, Director
Office of Environmental Quality Control
235 S. Beretania St., Suite 702
Honolulu, Hawaii 96813

Dear Mr. Gill:

SUBJECT: Final Environmental Assessment (EA) and Finding of No
Significant Impact (FONSI) for the Construction of the
Lucien Single Family Residence and Associated
Improvements: TMK: 2-7-08: 03, South Hilo, Hawaii

The Department of Land and Natural Resources has reviewed the
comments received during the 30-day public comment period which
began on May 23, 1998 and hereby issues a Finding of No
Significant Impact (FONSI) to the environment. Please publish
this notice in the July 23, 1998 Environmental Notice.

Enclosed is a completed OEQC Publication form, four copies of the
final EA and a computer disk with the project description.
Please call Lauren Tanaka at 587-0385 if you have any questions.

Aloha,



Dean Uchida, Administrator

Enclosure

77

1998-07-23-H-FEA-Lucien Single
Family Residence

JUL 23 1998

FILE COPY

FINAL
ENVIRONMENTAL ASSESSMENT
(NEGATIVE DECLARATION)

RECEIVED

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DEPT. OF ENVIRONMENTAL
QUALITY

SINGLE FAMILY RESIDENCE
of
Kent. T. Lucien

TMK: (3)2-7-8:03
Papaikou, South Hilo, Hawaii

Submittal to:
State of Hawaii
Board of Land and Natural Resources

July, 1998

Prepared by:
PBR HAWAII
101 Aupuni Street, Suite 310
Hilo, Hawaii 96720

OEQC BULLETIN PUBLICATION FORM

TITLE OF PROJECT: Single Family Residence of Kent T. Lucien
LOCATION: ISLAND Hawaii DISTRICT South Hilo
TAX MAP KEY: (3)2-7-8:03

PLEASE CHECK THE FOLLOWING CATEGORIES:

Type of Action: Agency _____ Applicant xx

Applicable State of Federal Statute:
 Chapter 343, HRS xx Chapter 205A, HRS NEPA (Federal Actions Only)

Type of Document:

 Draft Environmental Assessment (Negative Declaration anticipated) Draft EIS NEPA NOP
xx Final Environmental Assessment Negative Declaration Final EIS NEPA Draft EIS
 Final Environmental Assessment (EIS Preparation Notice) NEPA FONSI NEPA Final EIS

Type of Revision (if applicable):

 Revised Supplemental Addendum Other (please explain)

Prior to general distribution, please submit to OEQC: 4 copies of the Draft EA, Final EA (Negative Declaration or EIS Preparation Notice), 4 copies of the Draft EIS or Final EIS (For Draft and Final EIS's an additional copy is mailed to OEQC).

PROPOSING AGENCY OR APPLICANT SHOULD SUBMIT COPIES OF THE DOCUMENTS TO THE APPROVING AGENCY OR ACCEPTING AUTHORITY PRIOR TO SUBMITTING COPIES TO OEQC.

APPROVING AGENCY OR ACCEPTING AUTHORITY: Department of Land and Natural Resources
ADDRESS: Post Office Box 621
Honolulu, Hawaii 96813
CONTACT: _____ PHONE: _____

PROPOSING AGENCY OR APPLICANT: Kent T. Lucien
ADDRESS: 2038 Ualakua Street
Honolulu, Hawaii 96822
CONTACT: Kent T. Lucien PHONE: (808)969-8103

CONSULTANT: PBR Hawaii
ADDRESS: 101 Aupuni Street, Suite #310
Hilo, Hawaii 96720
CONTACT: Mr. James M. Leonard, AICP PHONE: (808)961-3333

COMMENT PERIOD END DATE:

CONDITIONS WHICH TRIGGERED THE EIS LAW: PLEASE CHECK ALL THAT APPLY TO THE PROPOSED ACTION

Use of State or County lands or funds
HRS 353-5(a)(1)

Use of Conservation District Lands
HRS 343-5(a)(2)

Use of Shoreline Setback Area
HRS 343-5(a)(3)

Use of Historic Site or District
HRS 343-5(a)(4)

Use of lands in the Waikiki Special District
HRS 343-5(a)(5)

Amendment to a County General Plan
HRS 343-5(a)(6)

Reclassification of Conservation Lands
HRS 343-5(a)(7)

Construction or modification of helicopter facilities
HRS 343-5(a)(8)

OTHER CONDITIONS:

Use of Special Management Area (City & County of Honolulu)

Other* _____

*If the project does not trigger HRS 343, please explain why document is being submitted to OEQC.

SUMMARY of the proposed action or project to be published in OEQC Bulletin. Please submit it as a summary ready for publication. The description should be brief (300 words or less), yet provide sufficient detail to convey the full impact of the proposed action.

The applicant and property owner, Mr. Kent Lucien, proposes to construct a single-family residence and associated utility and landscape improvements on approximately 15.6 acres of coastal property located at Papaikou, South Hilo, Hawaii. The single story three bedroom residence would be approximately 3,140 square feet in size including a garage and covered lanai. The project site is within the County Special Management Area (SMA) and the State Conservation District, Resource Subzone.

NOTE: Since the deadline for EIS submittal is so close to the publication date for the OEQC Bulletin, please assist us by bringing the Document for Publication Form and a computer disk with the project description (size 3 1/2" or 5 1/4" disks are acceptable; preferably WordPerfect 5.1 or ASCII text format) to the Office of Environmental Quality Control as early as possible. Thank you.

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SUMMARY

Applicant: Kent T. Lucien
c/o C. Brewer and Company Ltd.
Post Office Box 1826
Honolulu, Hawaii 96805

Approving Agency: Department of Land and Natural Resources
Post Office Box 621
Honolulu, Hawaii 96813

Consultant: PBR HAWAII - Hilo Office
101 Aupuni Street, Suite 310
Hilo, Hawaii 96720
Attn: James M. Leonard, AICP

Proposed Action: The applicant, Mr. Kent Lucien, seeks to construct a single-family residence and associated utility and landscape improvements on an approximate 15.6 acre coastal property located near Kukui Point, Papaikou, South Hilo, Hawaii. The single-story three bedroom residence would be approximately 3,140 square feet in size including a garage and covered lanai. The project site is within the County Special Management Area (SMA) and the State Conservation District, Resource (R) Subzone. The property is accessed by way of an easement extending from the Old Mamalahoa Highway at a point adjacent to the currently unused Papaikou Hawaiian Congregational Church.

Determination: The proposed action is expected to have no significant impact on the environment, therefore, a Negative Declaration is anticipated, subject to the provisions of Section 11-200-9 of the Hawaii Administrative Rules (HAR).

SUMMARY

Agencies Consulted

State of Hawaii:

Department of Land and Natural Resources
- State Historic Preservation Division
- Office of Environmental Quality Control

Department of Health

Department of Business, Economic Development &
Tourism, Office of Planning

Office of Hawaiian Affairs

County of Hawaii:

Department of Planning

Department of Public Works

Department of Parks and Recreation

Civil Defense Agency

Department of Water Supply

1.0 GENERAL DESCRIPTION OF THE PROPOSED ACTION

1.1 PROJECT OBJECTIVES

The objectives of the proposed project are to construct a single-family dwelling with associated improvements on the project site in a manner that meets the applicable State and County regulations and, to the extent practical, minimize potential impacts to the environment, existing agricultural uses and surrounding properties.

1.2 PROJECT DESCRIPTION

1.2.1 Location

The proposed project is located at Papaikou, South Hilo, Hawaii, Tax Map Key (3)2-7-8:03, approximately 5.5 miles north of the Hilo Town. The project site is located within the County Special Management Area (SMA) and the State Conservation District, Resource Subzone in an area between He'eka Point and Kukui Point. The property is accessed by way of an easement extending from the Old Mamalahoa Highway. The regional location map, tax map and site plan are shown in Figures 1, 2 and 3.

1.2.2 Existing Conditions and Uses

Prior to the closing of the sugar mills, nearly the entire parcel, excluding the area within the adjacent Aleamai Stream, was previously under sugar cultivation. There are currently no structures on the site. Currently, approximately twelve (12) acres of the property are planted in ti and other ornamental plants. Approximately three (3) acres, including the proposed house site, are unused and covered with typical introduced grasses, such as California and vasey grass. Along the top of the cliff fronting the coast, there are found concentrations of lauhala, ti, and ironwood trees. The proposed house site is located approximately 150 feet from the shore at its nearest point. A steep, nearly vertical, cliff condition exists along the shore. The cliffs fronting the property, which are approximately 60 feet in height, not only topographically isolate the property from the shore, but also restrict access to the shore. The Aleamai Stream, which defines the northern property boundary, is an intermittent stream located about 100 feet from the proposed house site. No public roads or trails are known to provide access across the subject property to the shoreline.

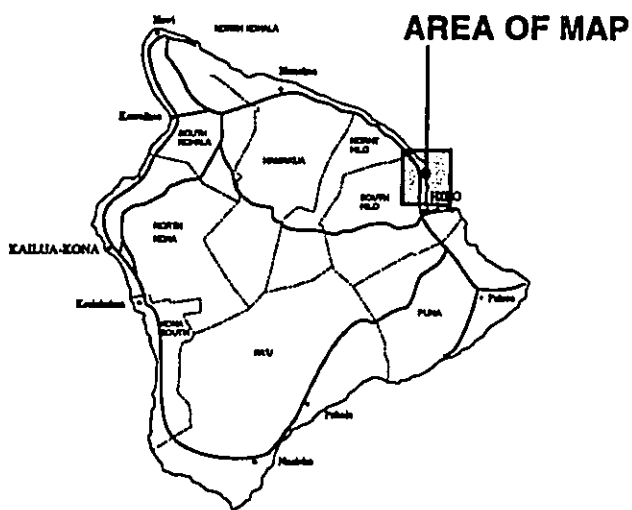
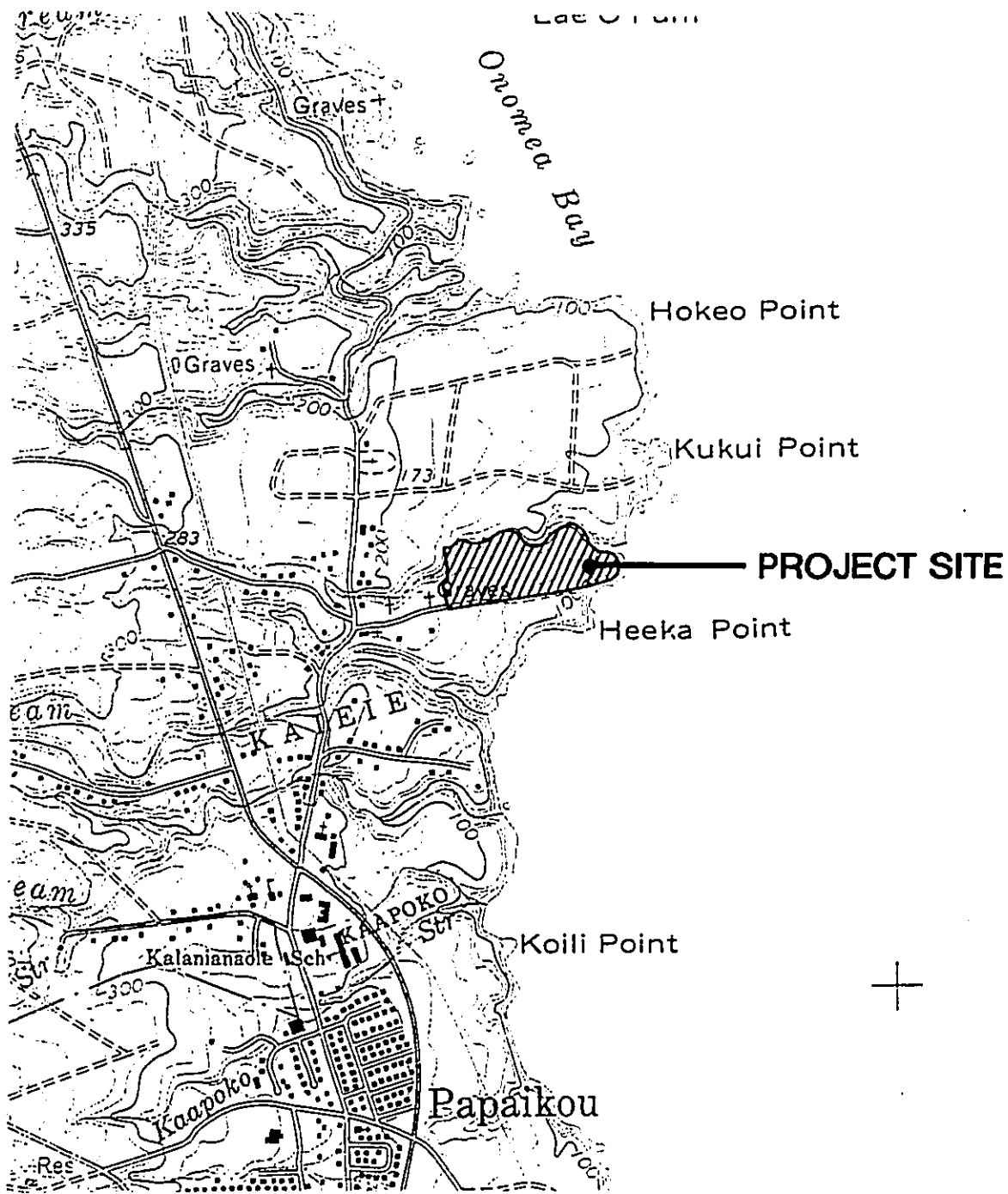


FIGURE 1
Regional Location Map
Lucien Single Family Residence



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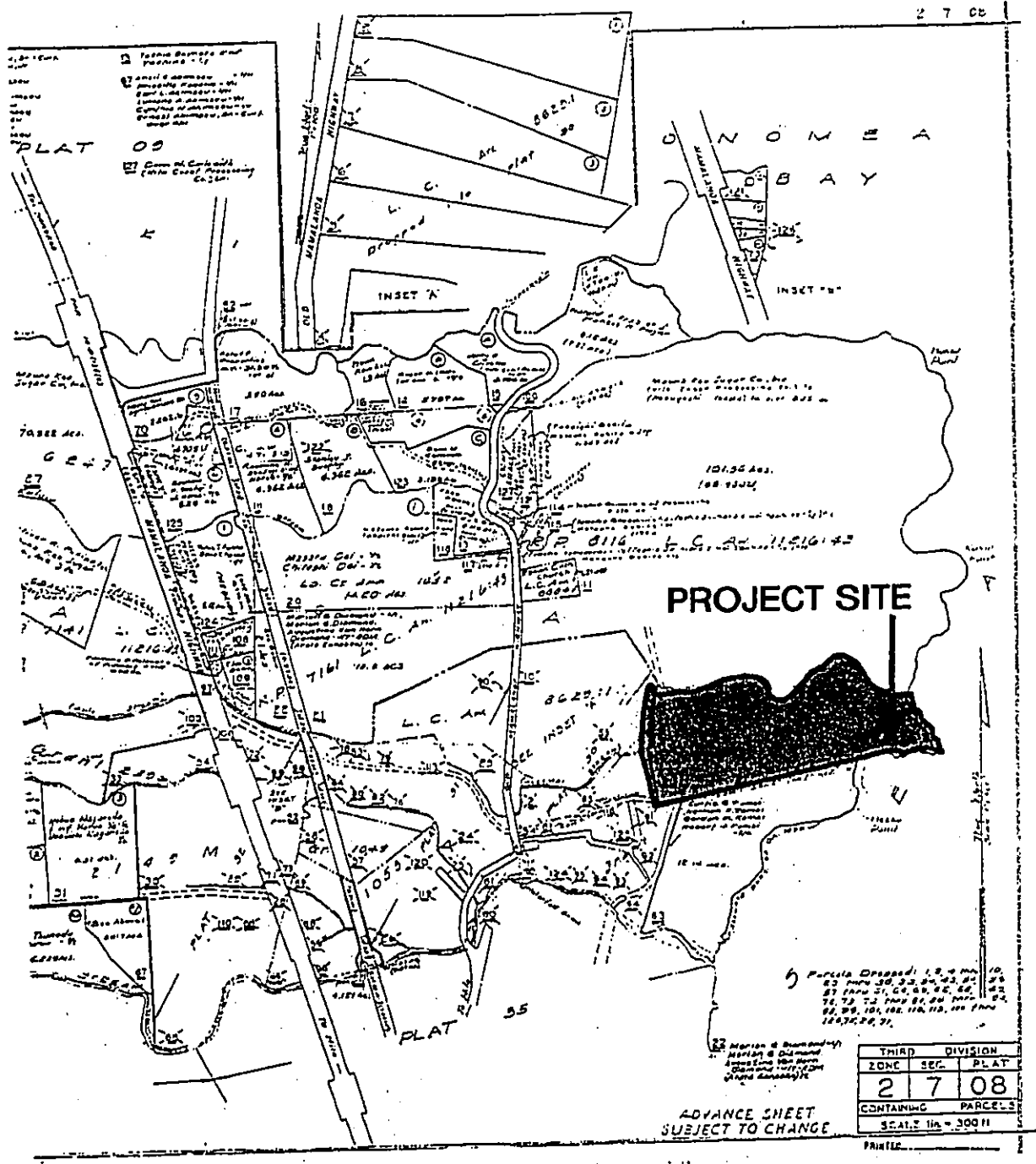
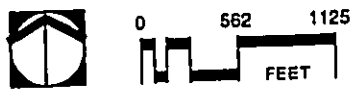


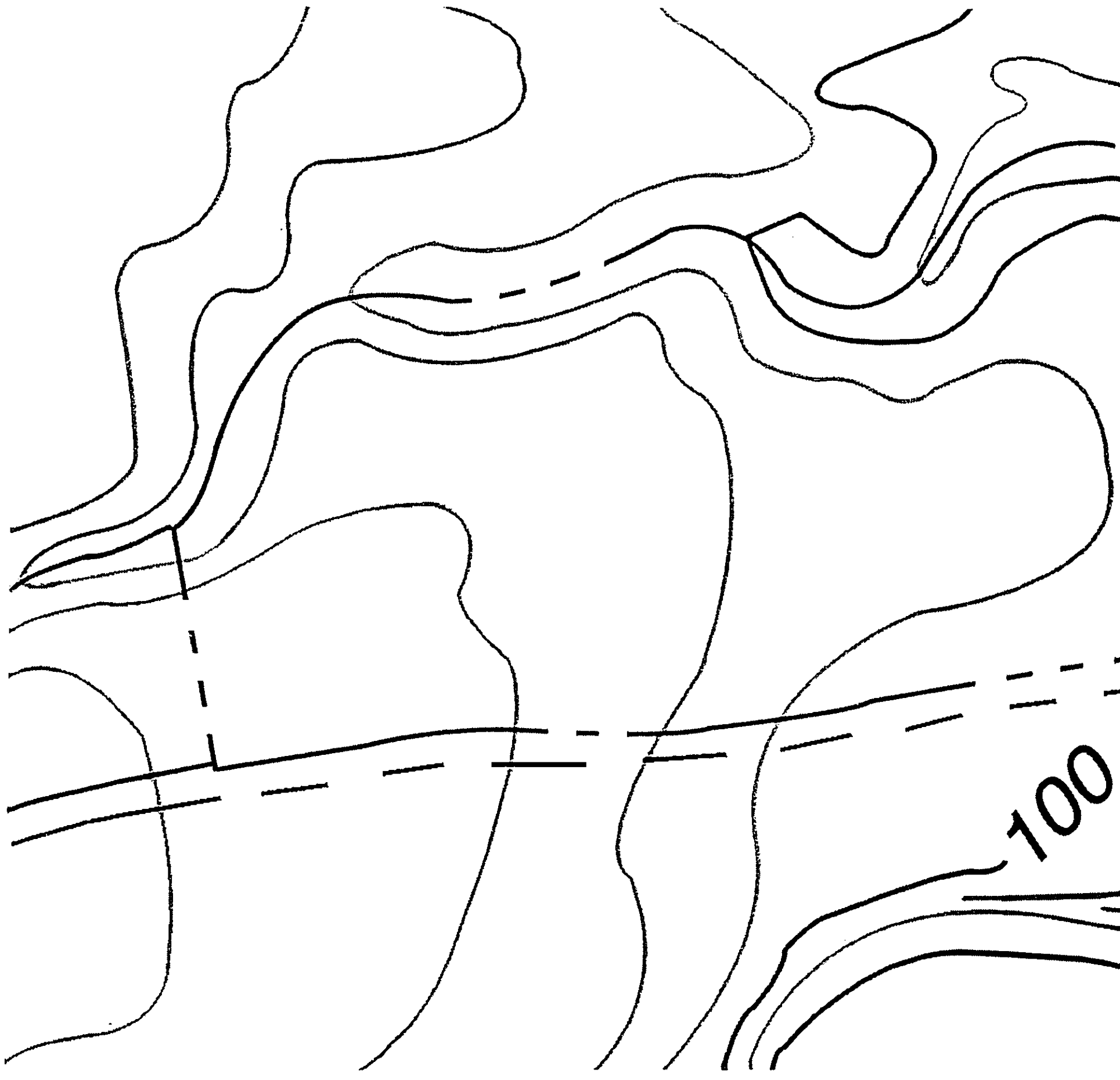
FIGURE 2
Tax Map Key / Land Ownership Map
Lucien Single Family Residence

Source: City & County of Honolulu - Planning Department



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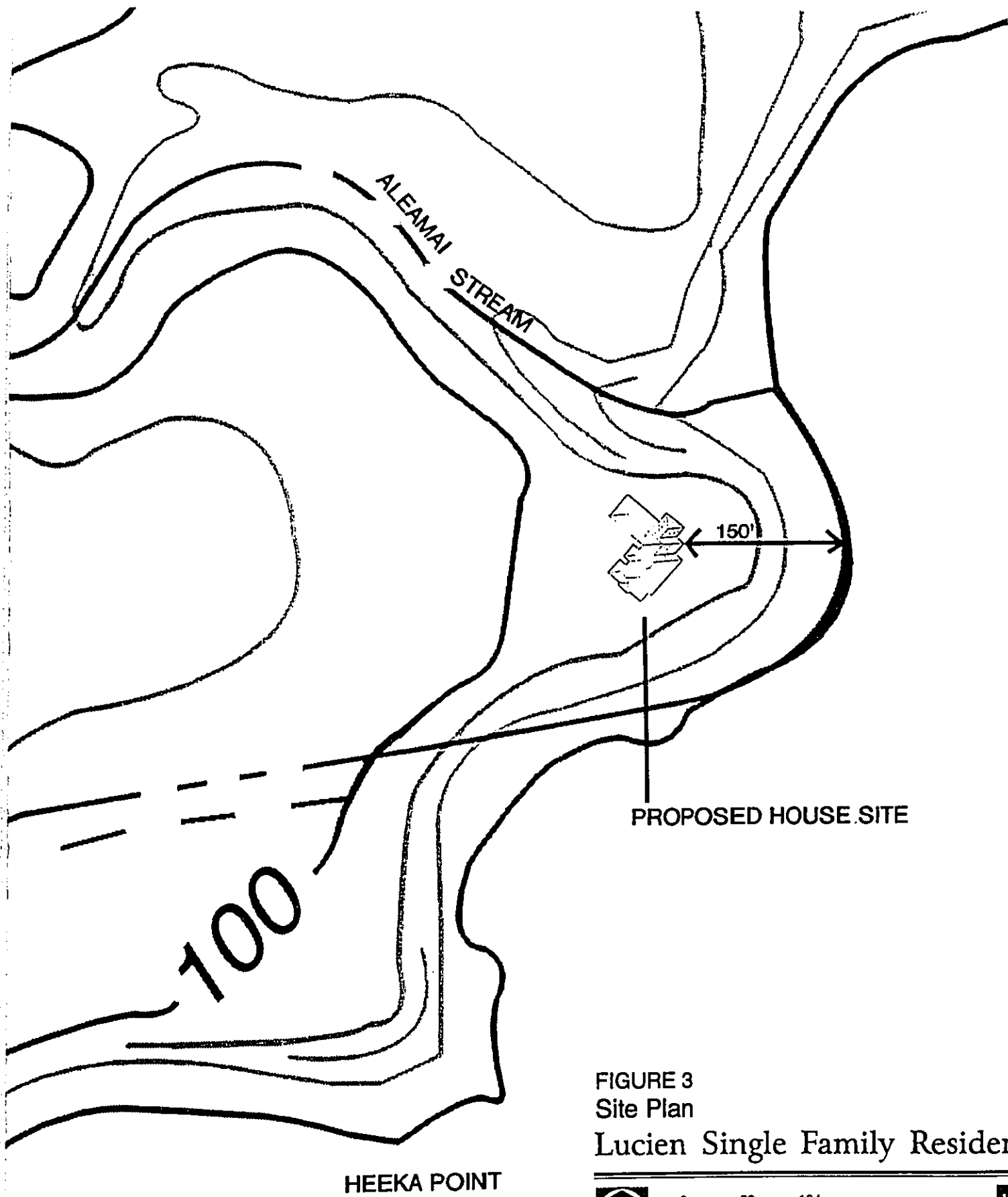
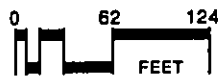


FIGURE 3
 Site Plan
 Lucien Single Family Residence



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1.2.3 Surrounding Areas and Uses

Subject property is bounded to the north by Aleamai Stream and to the east by the shoreline. To the north, beyond Aleamai Stream, are vacant pasture lands and areas in diversified agricultural uses. To the south and west of the property are other residential structures of various construction and age, the nearest of which is more than 1,100 feet from the proposed house site. In addition to the physical separation, the house site is buffered from surrounding residential uses by the existing agriculture uses occurring through out the majority of the property.

The Papaikou Hawaiian Congregational (Ka Hoku o Ka Malamalama) Church, which is unused, is located near the access road at the intersection with Old Mamalahoa Highway.

1.2.4 Proposed Uses and Activities

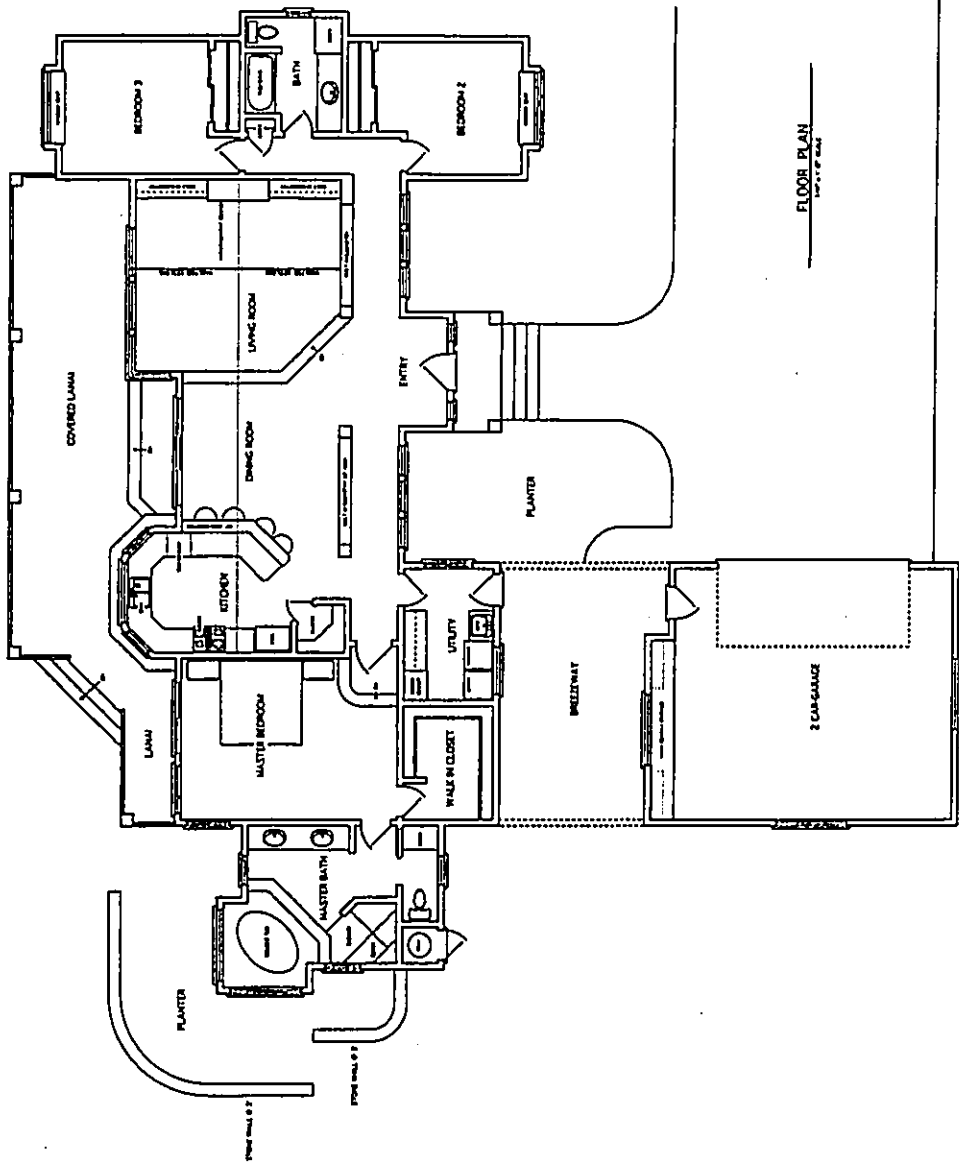
The applicant seeks to build an approximately 3,140 square feet, three bedroom residence including garage and covered lanai area. Other improvements would include the extension of utilities (water, power, communication lines, etc.) to the house site, installation of a waste water disposal system meeting the approval of the Department of Health, improvements (gravel or paving) to the existing dirt roadway which provides access to the house site, and landscaping improvements, which will consist of accent plantings around the house site and lawn maintenance. The proposed improvements for this residential construction are shown conceptually within Figures 4 and 5.

An aerial photo of the project site and site photos of the proposed house site are shown in Figures 6 and 7.

Utilities will be provided to the site in the following manner:

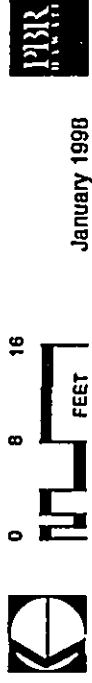
Water: Domestic water service will be provided by way of an extension from the existing six-inch County water line located along the Old Mamalahoa Highway.

Power: Electrical power will be provided by HELCO from existing electrical power lines located along the Old Mamalahoa Highway. The overhead electrical lines will be brought underground at a point approximately 250 feet from the house site.



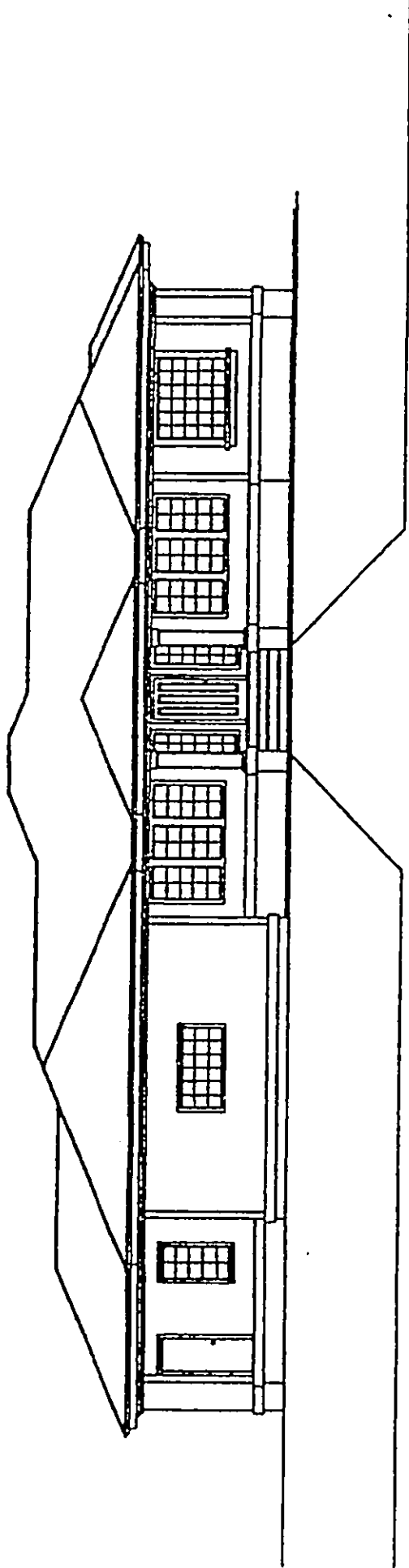
FLOOR PLAN
1/20/98

FIGURE 4
Floor Plan
Lucien Single Family Residence



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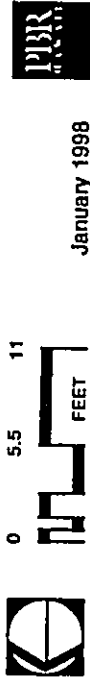
Source: Aina Oia, Inc.
PBR Hawaii



FRONT ELEVATION

1/8" = 1'-0" SCALE

FIGURE 5
Front Elevation
Lucien Single Family Residence



January 1998

Source: PBR Hawaii

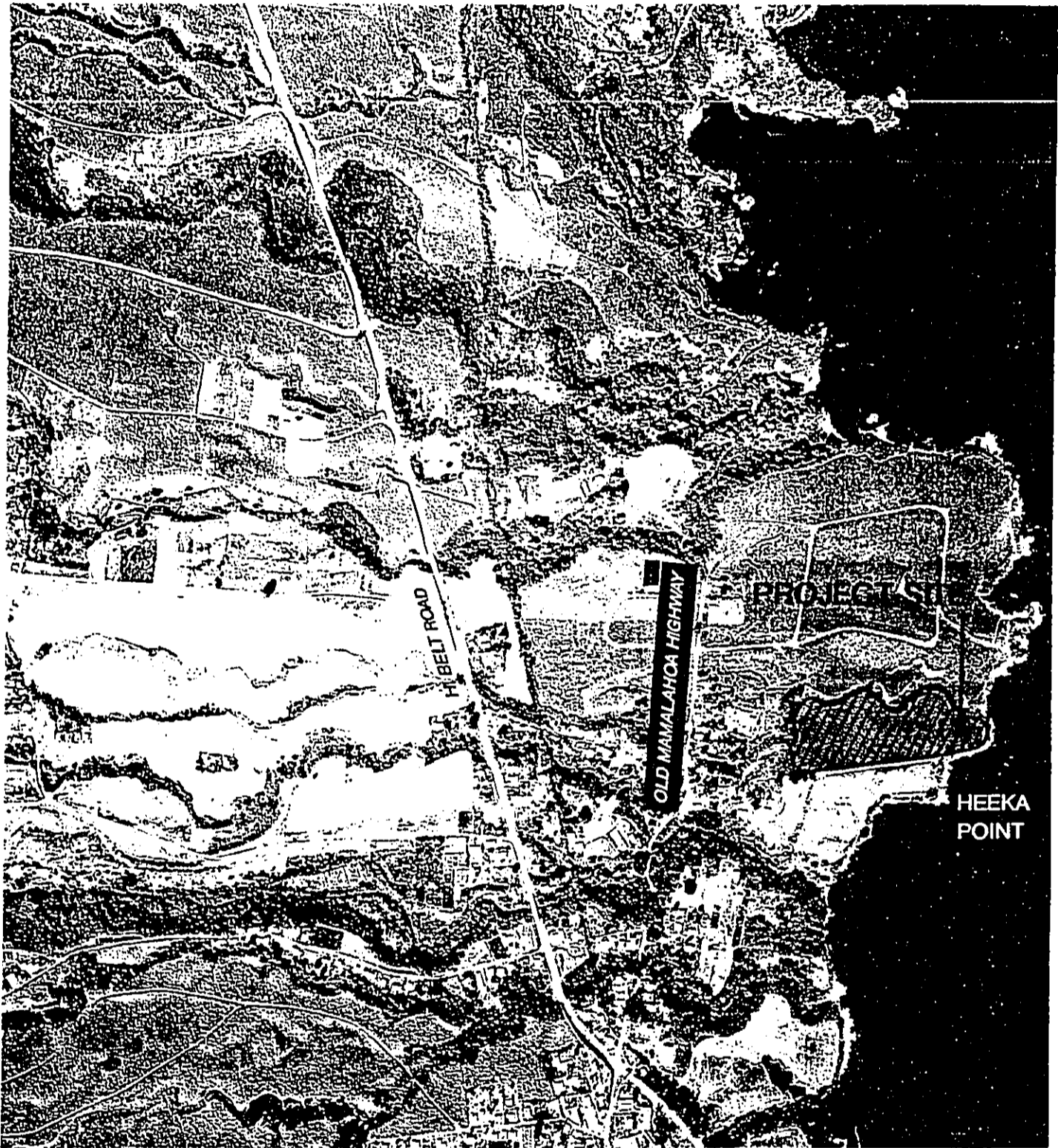
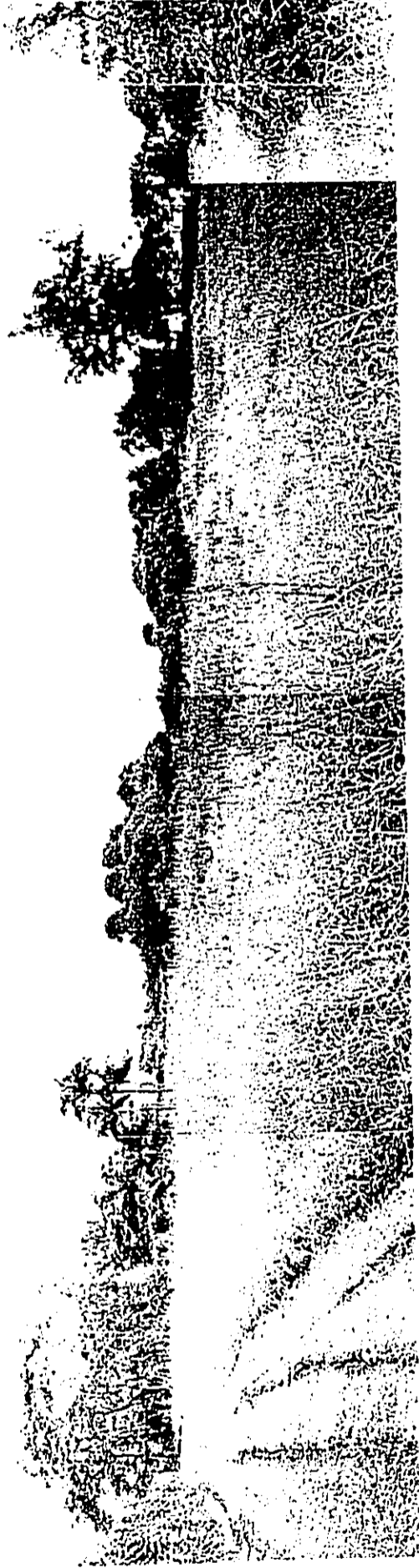
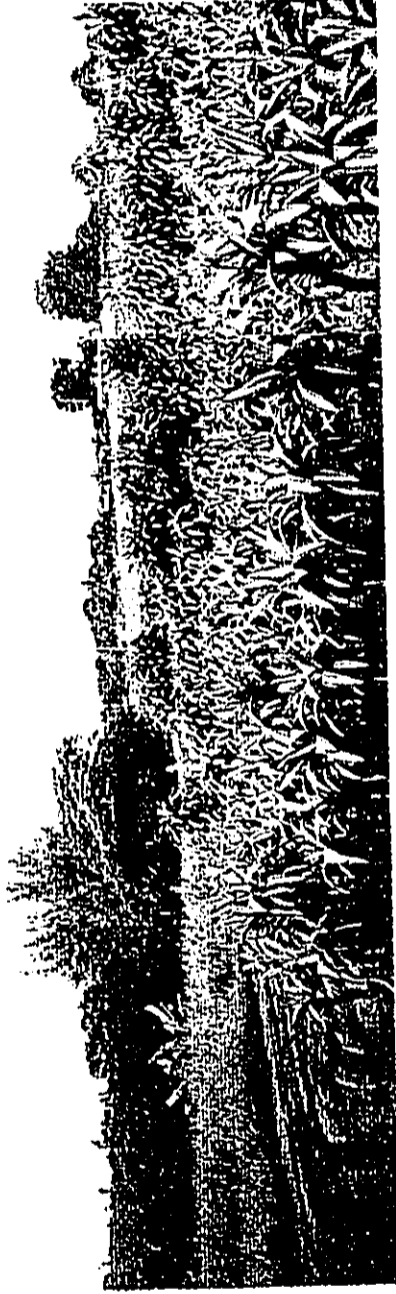


FIGURE 6
Aerial Photo
Lucien Single Family Residence





A. View North toward Proposed House Site



B. View West toward Ti Plantings

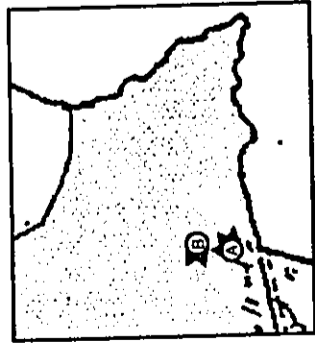


FIGURE 7
Site Photographs
Lucien Single Family Residence



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Telephone: Telephone service will be provided by GTE Hawaiian Tel from existing communication lines located along the Old Mamalahoa Highway.

Drainage: No requirements for additional drainage improvements are anticipated in conjunction with the proposed residential, structure and roadway improvements.

1.2.5 Development Timetable

The applicant plans to begin construction of the single-family residence within three months of receipt of all required permits from the State and County agencies. It is anticipated that construction of the single-family residence and related improvements will be completed within one year.

2.0 DESCRIPTION OF THE AFFECTED ENVIRONMENT
2.1 ENVIRONMENTAL CHARACTERISTICS
2.1.1 Climate

The project site lies on the windward side of the Island of Hawaii about 5.5 miles north of Hilo. Rainfall along this coastline average over 120 inches per year. Typical of windward areas, showers are more frequent during the night and early morning.

Annual temperature in this area averages in the mid 70's, with relatively small daily and seasonal variations. Daytime temperatures above 85 degree F. or night time temperatures below 60 degrees F. are rare. Northeast tradewinds are generally prevalent throughout the year, although winter Kona storms are accompanied by southerly winds and greater rainfall.

2.1.2 Physiography

Situated near the foot of Mauna Kea volcano, the general topography of the property is dominated by gently sloping (1% - 5%) fields. Aleamai Stream forms the northern boundary of the property. The subject property is located on alkalic basalt covered by a thin layer of volcanic ash. Elevations over the property range from 60 to 120 feet msl. There are 50' to 60' cliffs along the edge of the property shoreline which restricts safe access to the ocean (see Figures 8 and 9).

2.1.3 Soils and Agricultural Potential

Most of the Hilo area rests on volcanic or olivine basalt which is highly permeable and well drained. At times, lava formation outcrop at gulches or cliffs, but ash deposits of more recent origin tend to blanket the area.

Soils in Hawaii are commonly described in terms of three classification systems: (1) Land Capability based on the Department of Agricultural Soil Survey, (2) Overall Productive Rating, as described by the Land Study Bureau Detailed Land Classification system, and (3) Agricultural Lands of Importance to the State of Hawaii (ALISH).



C. View East toward the Cliff Edge from the House Site



D. View West toward House Site from near the Cliff Edge.

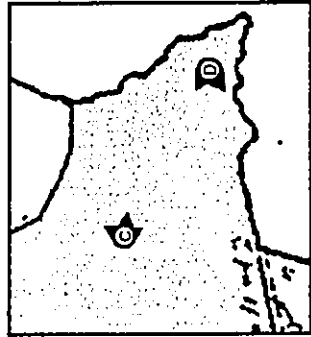


FIGURE 8
Site Photographs
Lucien Single Family Residence



January 1998



F.

FIGURE 9
Site Photographs
Lucien Single Family Residence

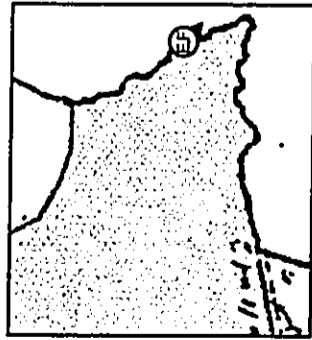


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E.

View of Cliff Conditions
Fronting the Property



Soil Survey

Three land types, as described below, are identified within the subject property by the Soil Survey of the Island of Hawaii by the U.S. Department of Agriculture, Soil Conservation Service (December 1973).

- (1) Hilo Silty Clay Loam, 0 to 10 percent slopes (HoC). This soil type covers most of the site. It is characterized as having rapid permeability, runoff is slow and the erosion hazard is slight.
- (2) Hilo Silty Clay Loam, 10 to 20 percent slopes (HoD). This soil type occurs within a narrow band within the central portion of the site. It is characterized as having rapid permeability, medium runoff and slight to moderate erosion hazard.
- (3) Rough Broken Land (RB). This is a miscellaneous land type that consists of very steep, precipitous land broken by many intermittent drainage channels. Stone and rock outcrops are common along the rocky coastline and southerly ravine area.

Overall Land Productivity Rating

On a scale of A to E, the Detailed Land Classification, Island of Hawaii, University of Hawaii Land Study Bureau, 1965, classifies the productivity of these lands as C and E. These soil classifications indicate fair to very poor suitability for agricultural purposes.

Agricultural Lands of Importance to the State of Hawaii

The majority of the site has been classified as prime agricultural land by Agricultural Lands of Importance to the State of Hawaii (ALISH) system.

The agricultural activities, consisting of plantings of ti, currently occur over much of the property. The proposed house site is located on an uncultivated portion of the property and is situated so as to not impact the existing agricultural activities.,

2.1.4 Natural Hazards

Potential natural hazards to which the property could be subjected are earthquakes, volcanic eruptions, and flooding. Based on historical data, earthquakes of a level of greater than a magnitude of 6 on the Richter scale occur on an average of once every 4 to 5 years (Furumoto et.al, 1990). In terms of volcanic threat, the project lands are designated as within Hazard Zone 8, or the zone on the Island of Hawaii least likely to experience lava flows from potential eruptions.

Although the subject lands are not indicated on the County Flood Insurance Rate Maps, floods due to rainwater surface runoff are unlikely to occur due to the well drained nature of the land and soil types.

Additionally, because of the relatively high elevation of the project site (60± feet msl) and distance from the shore (150 ± feet) there is expected to be no potential threat from tsunami inundation. The 1946 tsunami, which originated in the Aleutian Islands, resulted in a run up height of 34 feet (msl) in this area which is well below the height of the cliffs and project site.

2.1.5 Flora/Fauna

Prior to the closing of the sugar mills nearly the entire property, excluding the area within the adjacent Aleamai Stream, was previously under sugar cultivation for over 150 years. Currently, approximately twelve (12) acres of the property are planted in ti and other ornamentals. Approximately three (3) acres, including the proposed house site, are unused and covered with typical introduced grasses, such as California and vasey grass. Along the top of the cliff are found concentrations of lauhala, ti, and ironwood trees.

Because of the previous agricultural cultivation any vegetation in the area of the proposed house site consists of primary introduced exotic grasses and no rare or endangered species are likely to occur within the project site.

It is assumed that the fauna found on these lands would consist of introduced species that are transient in nature. These would typically include mongoose, cardinal, barred dove, spotted dove, myna bird, golden plover, and the house sparrow. Feral dogs, cats, pigs and rodents are also not uncommon to the area. Although not observed on the property it is possible that endemic birds such as the short-eared owl or Pueo and Hawaiian Hawk or I'o may forage in the region.

2.1.6 Historical and Archeological Resource

The property is not among those listed as historic properties in the Hawaii Register or the National Register of Historic Place and no historic resources are known to exist on the property. Since the property, including the proposed house site, has been subject to agricultural cultivation for more than 150 years it is highly unlikely that any significant historic sites remain on the project site.

2.2 SOCIAL AND CULTURAL CHARACTERISTICS

The subject property which has historically been subject to sugar cultivation is not known to be significant for cultural and/or historical purposes. The project site is situated in an area that could be characterized as consisting of scattered residential and agricultural uses in a rural setting. Several other residential lots with single-family dwellings abut the subject property, especially in the area of the Old Mamalahoa Highway.

2.3 ECONOMIC CHARACTERISTICS

The proposed residence is not expected to impact existing economic activities, such as the agricultural cultivation which occurs over the majority of the property. Some short-term employment is anticipated for local designers and buildings contractors for the design and construction of the single family dwelling and related improvements.

3.0 RELATIONSHIP OF THE PROPOSED ACTION TO LAND USE PLANS AND POLICES

3.1 CHAPTER 205, HRS, STATE LAND USE LAW

The State Land Use Commission, pursuant to Chapter 205, HRS, classifies all lands within the State into four land use districts; Urban, Rural, Agricultural and Conservation. A portion of the subject property, including the proposed single family residence site, is within the Conservation District (see Figure 10, State Land Use Commission Boundary Interpretation).

3.2 STATE ADMINISTRATIVE RULES GOVERNING LAND USES WITHIN CONSERVATION DISTRICTS

The Department of Land and Natural Resource, (DLNR) under Hawaii Administrative Rules (HAR) for the DLNR, Subtitle 1 Chapter 5 established five Subzones within the Conservation District; Protective, Limited, Resource, General, and Special. Those portions of the subject property within the Conservation District have been designated within the Resource (R) Subzone. The objective of this Subzone, as described in Section 13-5-13, "is to develop, with proper management, areas to ensure sustained use of the natural resources of those areas."

Permitted land uses within the (R) Subzone, as described under Section 13-5-24, include:

- A single-family residence that conforms to the design standards as outlined in this Chapter, see Appendix A (R-8); and
- Landscaping, defined as alterations of plant cover, including trees, in an area of more than ten thousand feet.

In addition, all identified land uses listed for the Protective (P) and limited (L) Subzone also apply to the Resource Subzone, including;

- Construction and placement of structures accessory to an existing structure, building or facility under an existing Conservation District Use Permit.

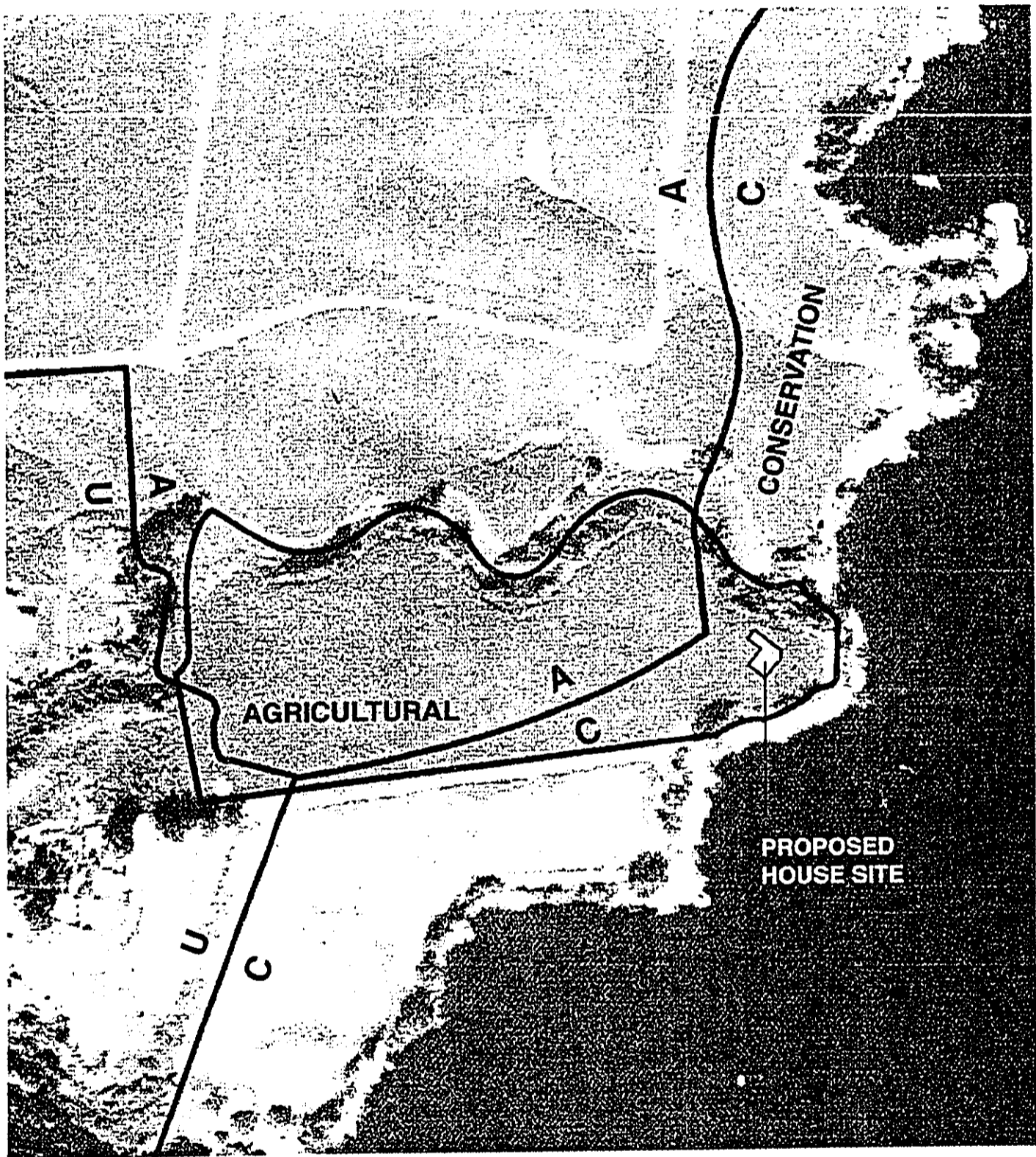


FIGURE 10
 SLUC Boundary Interpretation
 Lucien Single Family Residence

Source: State Land Use Commission
 Land Use District Boundary Interpretation Map
 July 26, 1990



February 1998



The proposed single family residential use with the associated landscape and utility improvements is a permitted land use of the (R) Subzone, provided the permitting requirements as delineated within Chapter 13-5, HAR, are met.

3.3 CHAPTER 343, HRS, ENVIRONMENTAL IMPACT STATEMENT REGULATIONS

The Environmental Impact Statement (EIS) Law (Chapter 343, HRS), pursuant to Section 343-5(a)(2), applies to any use that is proposed within lands classified as Conservation District by the State Land Use Commission. Under Chapter 205, HRS Section 343-5(c) HRS, provides that applicant proposing action subject to the requirements of Chapter 343, HRS,

“ . . . shall prepare an Environmental Assessment of such proposed action at the earliest practicable time to determine whether an Environmental Impact Statement shall be required.”

This Environmental Assessment has been prepared to fulfill these requirements.

3.4 COUNTY SPECIAL MANAGEMENT AREA RULES AND REGULATION

The subject property is located within the Special Management Area (SMA) as defined by Chapter 205A, HRS, and Rule 9 of the County of Hawaii Planning Commission Rules of Practice and Procedure. Pursuant to the requirements of Section 9-10A the applicant has submitted to the Hawaii County Planning Department an SMA Permit Assessment application. In their review of the application the County Planning Department determined that the proposed single-family residence would be exempted from further SMA review. A copy of the SMA Permit Assessment Application and County determination is included within Section 8.0 of this report.

4.0 IDENTIFICATION OF MAJOR IMPACTS AND ALTERNATIVE CONSIDERED

4.1 MAJOR IMPACTS

Due to the limited scope of the project and setting considerations, the proposed improvements are not expected to result in any significant adverse economic, social or environmental impacts. In addition, no major long-term impacts are anticipated since the proposed single-family residence and accessory utilities and landscaping are permitted uses within the (R) Subzone, and County SMA.

Minor dust and noise impacts may occur during the construction period, however, in that the proposed single-family residence would be located over 1,100 feet from the nearest residence which is buffered by the surrounding agricultural uses, such impacts are expected to be negligible.

The project site is located at least 150 feet from the shoreline and approximately 100 feet from the Aleamai Stream. With standard erosion control measures, the project is expected to have no potential impacts to the water quality or natural resources in the area.

A wastewater disposal system will be constructed meeting all State Department of Health regulations, further protection against shoreline impacts.

4.2 ALTERNATIVE TO THE PROPOSED ACTION

Alternatives to the proposed project that would meet the project objectives could include the use of an alternate site within the property or use of alternate designs to the proposed residential structure. However, such alternatives would not diminish the potential impacts of the planned use to the affected lands or surrounding uses. Although alternate sites for the proposed single-family residence were initially considered, the proposed site is located to minimize impacts to the shoreline, existing agricultural activities and surrounding uses.

The alternative of pursuing other uses of the property would not meet the project objective nor would they assure greater protection of existing natural resources of these lands.

The "no-action alternative" would not meet the project objectives and would deprive the applicant of the reasonable use of the property.

5.0 PROPOSED MITIGATION MEASURES

Proposed mitigation measures include limiting construction activities to daytime hours and adherence with all State and County environmental health, safety, and construction rules and regulations. Erosion control measures to be implemented in conjunction with the project construction include on-site detention during construction and berming to maintain current runoff patterns in a direction away from the Aleamai Stream.

Since the project site has been subject to agricultural cultivation for over 150 years, it is highly unlikely that any significant historic sites would remain. However, should remains of historic or human sites be encountered the in course of the project construction, work in the immediate area would be suspended until clearance from the Department of Land and Natural Resources, Historic Preservation Division (DLNR-HPD) is received.

6.0 DETERMINATION

To determine whether the proposed action may have a significant impact on the environment, every phase and expected consequences, both primary and secondary, as well as the cumulative short and long-term effects have been evaluated. Based on this analysis, a finding of no significant impact is anticipated and is summarized in this section.

6.1 SIGNIFICANCE CRITERIA

According to the Department of Health Rules (11-200-12), and applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects and its short and long-term effects. In making the determination, Rules establish "Significance Criteria" to be used as a basis for identifying whether significant environmental impacts will occur as a result of the proposed action. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any of the following criteria:

- Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.

The proposed action would be confined to the construction of a single family residence and associated infrastructure improvements. Because the project site has historically been in agricultural use, the plant and wildlife found on the project site consists entirely of exotic species. The nearest areas of the potential biological sensitivity include the Aleamai Stream, which is approximately 100 feet north of the proposed house site, and shoreline which is approximately 150 feet from the site and is topographically separated by cliffs of 50 to 60 feet in height. The potential threat to the biological resources within or near the stream and shoreline will be mitigated through the implementation of erosion and sedimentation control measures prior to and during all grading and earthwork activity, and strict adherence with the requirements of Chapter 10, Erosion and Sedimentation Control, of the Hawaii County Code.

Regarding the potential impacts to sites of historical or cultural significance, in their review of the proposed action the DLNR, State Historic Preservation Division (SHPD) had the following comments. "Because of the long history of ground disturbance it is highly unlikely that any significant historic sites would be found on this property. We thus believe the proposed residence will have "no effect" on significant historic sites" Should any archaeologically significant artifacts, bones, or other indicators of previous on-site activity be uncovered during the construction of the residence, their treatment will be conducted in strict compliance with the requirements of the DLNR, SHPD.

- Curtails the range of beneficial uses of the environment

The project site consists of approximately 0.25 acres on a relatively level portion of the property which is suitable for home construction. The construction of the single family residence on this portion of the property will foreclose other uses on the site, however, the benefits derived from the proposed use, by providing a suitable homesite for the property owner, outweighs other potential uses, such as agriculture. Additionally, the house site was selected so as not to impact the other agricultural activities occurring on approximately 12 acres of the property, or areas of potential environmental or biological sensitivity, such as the shoreline or the Aleamai Stream.

- Conflict with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed development is consistent with the environmental Policies established in Chapter 344, HRS.

- Substantially affects the economic or social welfare of the community or state.

The project site is situated in an area that could be characterized as consisting of scattered residential and agricultural uses in a rural setting. The proposed residence is not expected to impact existing economic activities, such as the agricultural cultivation which occurs on the majority of the property and on surrounding lands. Some short-term employment benefits are anticipated to local designers and building contractors from the design and construction of the single family dwelling and related improvements. Both long and short-term economic benefits are expected to the State and County as a result of the taxes that would be generated related to the home design and construction

and from the increases in property taxes paid to the County. Additional social benefits will be derived by the property owner in being able to derive reasonable use of the property for his primary family residence.

- **Substantially affects public health**

Impacts to public health could include air and noise quality impacts during the construction phase of the project, however, these will be short-term and insignificant or undetectable given the limited nature of the construction activity and the sizable separation (over 1,100 feet) between the project site and nearest residence. The proposed house site is also buffered from the surrounding residential uses by the existing agricultural uses occurring on the majority of the property.

- **Involves substantial secondary impacts, such a population changes or effects on public facilities.**

The proposed construction of a single residence will have little or no impact on the local population or indirectly on public services. Infrastructure demands on roads water, and utilities will be minimal and can be accommodated by existing systems.

- **Involves a substantial degradation of environmental quality.**

The proposed construction of a single family residence on currently vacant land will not degrade environmental quality on-site or on surrounding properties. The project site, which historically had been in agricultural use, has been largely modified and consists of primarily introduced and exotic species. The proposed residence has been designed to fit to the existing topography so as to require a minimum of grading or site alteration. As noted appropriate erosion and sedimentation controls, meeting the requirements of Chapter 10 of the County Code, will be implemented during the construction phase to protect from potential impacts to surrounding resources, including the Aleamai Stream and the shoreline.

- **Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions.**

The proposed project will be limited to the construction of a single family residence and related infrastructure improvements and does not involve a commitment to larger actions.

- Substantially affects a rare, threatened or endangered species or its habitat.

The biological resources onsite consists primarily of exotic and introduced species, and no rare, threatened or endangered species or their habitat occur onsite.

- Detrimentially affects air or water quality or ambient noise levels.

Potential impacts to the Aleamai Stream resulting from surface runoff, will be mitigated by the establishment of on-site detention during the construction phases of the project and the revegetation of exposed areas. After development, runoff would be directed to landscaped areas to encourage recharge into the groundwater. Minimal impacts to air and noise quality are anticipated during the construction phase and will be mitigated through the implementation of standard construction practices (e.g. mufflers on large equipment, construction during daylight hours, and watering and revegetation of exposed areas). Over the long-term, impacts to the noise quality due to increased traffic to the site is not expected to be significant or measurable.

- 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, freshwater, or coastal water.

The proposed project is compatible with the above criteria as there are not environmentally sensitive areas associated with the project and the physical character of the site has been previously disturbed by past agricultural activities. The project site is not within a flood plain, tsunami zone, beach, erosion-prone or geologically sensitive area and is separated from the shoreline from 150 feet of open field and a 50 to 60 foot cliff condition. The project with implementation of planned mitigative measures will also pose no threat to the stream located north of the project site.

- Substantially affects scenic vistas and view planes identified in county or state plans or studies.

The project site has not been identified as a scenic vista or view plain in county or state plans or studies and is largely obstructed from view from the nearest public road, the Old Mamalahoa Highway. Given the remote location of the project site, the proposed single-story residence would not impact existing views to the ocean or shore from public view points.

- Requires substantial energy consumption.

The proposed two-three bedroom home will be approximately 3,140 square feet in size. Construction of the proposed project will not require substantial energy consumption relative to other similar projects. Once completed, home energy use would be similar to other residences of this size.

6.2 DETERMINATION

On the basis of the above criteria, and the discussion of impacts and mitigative measures contained in this document, it is anticipated that the proposed project will not have a significant effect on the environment.

7.0 LIST OF PERMIT AND APPROVALS REQUIRED

The applicant seeks to acquire the following permit and approvals for a single-family residence.

- Conservation District Use Permit
- Special Management Area Assessment and Permit (if applicable)
- Wastewater Permit
- Grading Permit
- Building Permit

8.0 WRITTEN COMMENTS AND RESPONSES

The following are letters from various State and County agencies providing comments to the Lucien Single Family Draft Environmental Assessment.

2/11/08
no comments
responses to the draft assessment
received.



LAND PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL STUDIES

February 27, 1998

Virginia Goldstein
Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

SUBJECT: SPECIAL MANAGEMENT AREA USE PERMIT ASSESMENT
APPLICANT: KENT T. LUCIEN
TAX MAP KEY: (3)2-7-08:03
PAPAIKOU, SOUTH HILO, HAWAII

Dear Ms. Goldstein:

On behalf of Mr. Kent Lucien, we are transmitting the enclosed Special Management Area (SMA) Use Permit Assessment Application and attachment form. The applicant seeks an assessment as to whether the proposed single family residence and associated utility improvements, which would be situated within the County SMA, are exempted from the permitting requirements of the Hawaii County Planning Commission Rule No. 9 regarding SMA.

Should you have any questions or required further information regarding the proposed use, please do not hesitate to contact either myself at 961-3333 or Mr. Kent Lucien in Honolulu at (808)544-6130.

Sincerely,

JAMES M. LEONARD, AICP
Managing Director
PBR Hawaii - Hilo Office

Enclosure.

xc: K. Lucien
S. Duncan

Wm. Frank Braudt • Thomas S. Witten • R. Stan Duncan • Russell Y. J. Chung

HONOLULU OFFICE

1001 BISHOP STREET, PACIFIC TOWER, SUITE 050, HONOLULU, HAWAII 96813-3429
TELEPHONE: (808) 521-5631 FAX: (808) 523-1402 E-MAIL: plrhit@aloha.net

WAILUKU OFFICE

2123 KAOHUA STREET, WAILUKU, HAWAII 96793-2204
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HILO OFFICE

101 AUPUNI STREET, HILO LAGOON CENTER, SUITE 310, HILO, HAWAII 96720-4276
TELEPHONE: (808) 961-3333 FAX: (808) 961-4989

Stephen K. Yamashiro
Mayor



Virginia Goldstein
Director

Russell Kokubun
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

April 3, 1998

Mr. Kent T. Lucien
2038 Ualakaa Street
Honolulu, HI 96822

Dear Mr. Lucien:

Special Management Area (SMA) Use Permit
Assessment Application (SMAA 98-5)
Applicant: Kent T. Lucien, Owner
Request: Single Family Residential Development with Accessory & Related
Improvements
TMK: 2-7-08: 03, pors. Aleamai & Kalaoa, South Hilo, Hawaii

Findings: Declaration of Exemption from SMA Rules. Pursuant to Hawaii County Planning Commission Special Management Area Rule 9-4(10)C and 9-10G, the Director finds that the proposed construction of a single family residence with related improvements is exempted from the definition of "development"; and therefore, the Director declares this project is exempt from the SMA rules and regulations under Rule 9-4(10)B(i) and 9-4(10)B(xiv).

Waiver of Certified Shoreline Survey. The certified shoreline survey is waived according to Rule 9-10B(8) and Shoreline Setback Rule 11-4(c). A waiver is granted because the location of the residential development will be approximately 150 feet inland from the cliff shoreline, exceeding Rule 11's mandatory minimum 40 feet shoreline setback. The 150 feet location constitutes a considerable inland distance from the shoreline.

State Land Use (SLU): "Conservation" ("C") District. The property is within the SLU "Conservation" district. The state Board of Land & Natural Resources (BLNR) maintains jurisdiction over state lands designated "Conservation". A CDUA (Conservation District Use Application) permit from BLNR is required to develop or use lands within the "Conservation" district. Before a county building permit can be approved for this project it will require a CDUA permit.

1.

Mr. Kent T. Lucien
Page 2
April 3, 1998

For more information on the procedures and requirements of a CDUA permit, please contact:

Mr. Sam Lemmo, Staff Planner
State of Hawaii
Department of Land & Natural Resources (DLNR)
Planning & Technical Services Branch - Honolulu, Oahu
PH: (808) 974-4000 (toll free), Ext. 70414

Any questions on this matter can be discussed with my staff, either Norman Hayashi or Earl Lucero at 961-8288.

Sincerely,


VIRGINIA GOLDSTEIN
Planning Director

EML/NH/RK:jkg
f:\wp60\enr\smn\smn\luc.eml

cc: SMA Section
Mr. Sam Lemmo, DLNR Land Management Div.
Dept. of Public Works - Building Division
✓ Mr. James M. Leonard, PBR Hawaii - Hilo Office

BENJAMIN J. CAYETANO
GOVERNOR



GARY GILL
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

236 SOUTH BERETANIA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE (808) 586-4185
FACSIMILE (808) 586-4186

June 22, 1998

Mr. Kent T. Lucien
c/o C. Brewer and Company Ltd.
Post Office Box 1826
Honolulu, Hawai'i 96805

Dear Mr. Lucien:

We submit for your response the following comments on a draft environmental assessment (DEA) for a "Single Family Residence of Kent T. Lucien, TMK (3)2-7-8:03, [Papa'ikou], South Hilo, [Hawai'i]."

1. **NEED TO DISCUSS NATURAL RESOURCES IN THE CONSERVATION DISTRICT:** The DEA notes that the parcel is located in the resource subzone. Please consult with the Department of Land and Natural Resources and identify the biological, cultural, and natural physical resources on the parcel and on adjoining parcels, discussing the direct, indirect and cumulative effects of the project on these resources.
2. **ALEAMAI STREAM:** The DEA does not discuss the Aleamai Stream. Please discuss the direct, indirect and cumulative effects of the project to the Aleamai Stream, its biological resources, and its water quality.
3. **CULTURAL RESOURCES:** The DEA notes that the shoreline cliff area contains hala (*Pandanus odoratissimus*) and ki (*Cordyline terminalis*). Please consult with the Office of Hawaiian Affairs as to whether cultural resources exist in both the region and the project area. Also, please describe direct, indirect and cumulative impacts to any historic trails and general shoreline access in the area.
4. **ALTERNATIVES CONSIDERED:** Section 4.2 states that alternative sites for the project were initially considered. Please discuss these alternatives and the specific criteria and reasons the project was sited at the location noted in the DEA.
5. **DETAILED DISCUSSION OF THE THIRTEEN SIGNIFICANCE CRITERIA IN RELATION TO THE PROJECT:** Please discuss each of the thirteen significance criteria (see Section 11-200-12, Hawai'i Administrative Rules) as they relate to the project. A sample discussion is enclosed for your information.

Please submit copies of this letter, your response to it and other comment letters to the Department of Land and Natural Resources, for their inclusion in the final environmental assessment and notice of determination for this project.

Mr. Kent T. Lucien
June 22, 1998
Page 2 of 2

If there are any questions, please call Les Segundo of my staff at 586-4185.

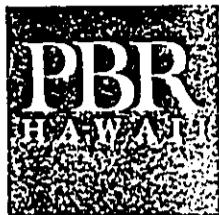
Sincerely,



GARY GILL
Director

Enclosure

c: ✓ Ms. Lauren Tanaka, Department of Land and Natural Resources
✓ Mr. James M. Leonard, PBR Hawaii Hilo Office



LAND PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL STUDIES

July 1, 1998

Mr. Gary Gill, Director
Office of Environmental Quality Control
236 South Beretania Street, Suite 702
Honolulu, Hawaii 96813

**SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT
LUCIEN SINGLE FAMILY RESIDENCE
TMK: (3)2-7-8:03 PAPAIKOU, SOUTH HILO, HAWAII**

Dear Mr. Gill,

Thank you for your letter of June 22, 1998 which provided comments to the Draft Environmental Assessment for the Lucien Family Residence. This letter is in response to your comments which are addressed in the order that they appear in your letter.

1. NEED TO DISCUSS NATURAL RESOURCES IN THE CONSERVATION DISTRICT:

RESPONSE: The project site is located in the Resource Subzone of the Conservation District. As stated in the Hawaii Administrative Rules (HAR) section 13-5-13, the object of the Resource Subzone is "to develop, with proper management, areas to ensure sustained use of the natural resources of those areas." Natural resources found on-site or abutting the property that are of potential cultural or biological sensitivity include those along and near the shoreline and those associated with the Aleamai Stream which defines the northern boundary of the property. The project site, which encompasses approximately 0.25 acres of the approximately 15.6 acre coastal property, is located approximately 150 feet from the shoreline and 100 feet from the Aleamai Stream. Construction of the single family residence, with appropriate controls related to erosion and sedimentation control, would be confined primarily to the house site and is expected to have no significant impacts to surrounding resources of the parcel (either directly or indirectly) or to surrounding uses which include primarily open space, agricultural and residential uses.

Wm. Frank Brandt • Thomas S. Witten • R. Scott Duncan • Russell Y. J. Chung

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100 ALPINE STREET, THE OCEANVIEW CENTER, SUITE 310, HILO, HAWAII 96720-4276
TELEPHONE: (808) 961-3333 FAX: (808) 961-3989

Mr. Gary Gill

**RE: DRAFT ENVIRONMENTAL ASSESSMENT LUCIEN SINGLE FAMILY
RESIDENCE TMK: (3)2-7-8:03 PAPAIKOU, SOUTH HILO, HAWAII**

July 1, 1998

Page 2

2. ALEAMAI STREAM:

RESPONSE: Although the Aleamai Stream, at its closest point, is located over 100 feet from the project site, the upper embankment of the stream is located approximately 30 feet from the house site. Precautions will be taken to mitigate the potential for increased erosion or sedimentation during the construction of the residence, including on-site detention during the construction phase. Grading on site would be limited primarily to the house site and driveway located on the southwest side of the house, away from the stream. As required under Section 10 of the County Code, all grading, grubbing, and stockpiling operations will conform to the erosion and sedimentation and control standards and guidelines established by the County Department of Public Works in conformance with Chapter 180C of the Hawaii Revised Statutes (HRS). Given the limited scale of the project and the physical separation between the house site and areas of potential biological sensitivity, with proper precautions and controls, the proposed action would not present a significant threat to surrounding biological resources, including the Aleamai Stream.

3. CULTURAL RESOURCES:

RESPONSE: The subject application and Draft EA were circulated by the DLNR Land Division for review by various State and County agencies, including the State Historic Preservation Division, Office of Hawaiian Affairs, and Division of Forestry and Wildlife. As noted in Section 1.2.2 of the Draft EA, no public trails or roads providing access to the shoreline or across the property are known to exist, nor were any identified through consultation with the DLNR, SHPD and County Planning Department.

Regarding the potential impacts to sites of historical or cultural significance, in their review of the proposed action the DLNR, State Historic Preservation Division (SHPD) had the following comments. "Because of the long history of ground disturbance it is highly unlikely that any significant historic sites would be found on this property. We thus believe the proposed residence will have "no effect" on significant historic sites" Should any archaeologically significant artifacts, bones, or other indicators of previous on-site activity be uncovered during the construction of the residence, their treatment will be conducted in strict compliance with the requirements of the DLNR, SHPD.

Mr. Gary Gill

**RE: DRAFT ENVIRONMENTAL ASSESSMENT LUCIEN SINGLE FAMILY
RESIDENCE TMK: (3)2-7-8:03 PAPAIKOU, SOUTH HILO, HAWAII**

July 1, 1998

Page 3

4. ALTERNATIVES CONSIDERED:

RESPONSE: The alternatives mentioned in the DEA included the initial consideration of alternative sites on the parcel for the proposed house construction. The proposed site was selected because it presented the least potential impact to the existing agricultural activities occurring on the property, to the shoreline or to the biological resources within the Aleamaí Stream, while meeting the design objectives of a suitable development site which is accessible from the existing access road and provides reasonable view opportunities of the coast.

**5. DETAILED DISCUSSION OF THE THIRTEEN SIGNIFICANCE CRITERIA IN
RELATION TO THE PROJECT**

RESPONSE: Per your suggestion, a detailed discussion of the thirteen significance criteria and their relation to the project will be included within the Final Environmental Assessment. .

We appreciate your comments and suggestions to the Draft EA which will be fully considered in the preparation of the Final EA pertaining to this project. A copy of your letter and this response will be included with the Final EA.

Sincerely



James M. Leonard, AICP
Managing Director
PBR HAWAII - Hilo Office

xc: Kent Lucien
Stan Duncan, PBR Hawaii
Lauren Tanaka, Department of Land and Natural Resources

9.0 REFERENCES

1. Soil Survey of the Island of Hawaii, State of Hawaii United States Department of Agriculture, Soil Conservation Service, December 1973.
2. Detailed Land Classification- Island of Hawaii, Land Study Bureau, University of Hawaii, Honolulu, Hawaii, November 1965.
3. Atlas of Hawaii, 2nd Edition, Department of Geography, University of Hawaii 1983.
4. Agricultural Lands of Importance - to the State of Hawaii, College of Tropical Agriculture and Human Resources, University of Hawaii, January 1977.
5. Flood Insurance Rate Map Hawaii County, National Flood Insurance Program, September 1988.
6. Environmental Assessment and Negative Declaration Kukui Point, PBR Hawaii, January 1991.
7. County of Hawaii Data Book, Department of Research and Development, County of Hawaii, 1995.

APPENDIX A

(b) The hearing shall be held in the county in which the land is located. The hearing may be conducted by the board or may be delegated to an agent or representative of the board as designated by the chairperson and shall afford all interested persons a reasonable opportunity to be heard.

(c) Notice of hearing shall be given not less than twenty days prior to the date set for the hearing. Notice of the time and place of the hearing shall be published at least once in a newspaper of general circulation in the State and in the county in which the property is located.

(d) The department shall have the power to summon witnesses, administer oaths, and enjoy all other powers as authorized by law. [Eff _____] (Auth: HRS §183C-3) (Imp: HRS §183C-3, 183C-4, 183C-6)

§13-5-41 Single family residences; standards. (a) Single family residential uses approved by the board shall comply with the design standards contained in Exhibit 4, entitled "Single Family Residential Standards, dated September 6, 1994."

(b) Not more than one single family residence shall be authorized within the conservation district on a legal lot of record. [Eff _____] (Auth: HRS §183C-3) (Imp: HRS §183C-4)

§13-5-42 Standard conditions. (a) Any land use allowed within the conservation district is subject to the following standard conditions:

- (1) The applicant shall comply with all applicable statutes, ordinances, rules, and regulations of the federal, state, and county governments, and applicable parts of this chapter;
- (2) The applicant, its successors and assigns, shall indemnify and hold the State of Hawaii harmless from and against any loss, liability, claim, or demand for property damage, personal injury, and death arising out of any act or omission of the applicant, its successors, assigns, officers, employees, contractors, and agents under this permit or relating to or connected with the granting of this permit;
- (3) The applicant shall obtain appropriate authorization from the department for the

Exhibit 4
Single Family Residential Standards: September 6, 1994

Minimum Lot Size: 10,000 square feet

Exceptions:
1) kuleana
2) nonconforming use

Minimum Setback: For lots 10,000 square feet to one acre:

Front: 15 feet
Sides: 15 feet
Back: 15 feet

For lots over one acre:

Front: 25 feet
Sides: 25 feet
Back: 25 feet

Exceptions: Site characteristics and lot shape may be a factor in adjusting minimum setbacks when so determined by the board.

Maximum Developable Area:

Means the total square floor area in square feet allowed under the approved land use. The floor area computation shall include: all enclosed (on three sides minimum, with floor or roof structure above) living areas; above grade decks in excess on 4'-0" in width; garage or carport; swimming pools, saunas or other developed water features (excluding naturally existing ponds, tidepools, etc.); play courts; or any other standing structures, which are accessory to the approved land use.

For lots 10,000 sq. ft. to one (1) acre: 3,500 square feet.

For lots larger than one (1)

acre: 5,000 square feet.

Exceptions: Site characteristics and the degree of pre-existing site disturbance may be a further limiting factor in the calculation of maximum developable area when so determined by the board.

Maximum Height
Limit:

The maximum height of the building shall not exceed twenty-five feet measured from the highest point of the roof structure (excluding any allowed chimney, antenna, vents, or similar protrusions) down to the lower of the existing or finished grade at the lowest corner of the building, whichever is lowest.

Exceptions: Tsunami or flood-prone areas may allow consideration for additional height limits to satisfy flood insurance ordinances when so determined by the board.

Compatibility
Provisions:

Compatibility with surrounding environs. Structure is designed in accordance with standard conditions, including:

- Landscaping - screening of structures
- Color of paint/surface of structure and roof - earth tones, or compatible with surrounding area
- DOH wastewater permit/water collection system approval
- Grading/contouring of

- property kept to minimum
with consideration of
slope
- All structures connected,
or best alternative
 - In conformance to
applicable building and
grading code and
shoreline setback
provisions
 - One kitchen'

1"Kitchen" means a facility within the residential dwelling for food preparation, including fixtures appliances or other devices to wash, prepare, heat, cook and refrigerate food and wash cooking utensils and dining implements.