

COUNTY OF HAWAI'I PLANNING DEPARTMENT **BACKGROUND REPORT**

CARNOR J. SUMIDA

APPLICATION TO AMEND SPECIAL PERMIT 08-000053 (PL-SPP-2025-000088)

CARNOR J. SUMIDA has submitted an application to amend Special Permit No. 08-000053, as amended in 2013, to delete Condition No. 2 (life of the permit). Special Permit No. 08-000053 allowed the establishment of a baseyard for trucks and trailers on 0.9 acres of land in the State Land Use Agricultural District. The subject property is located on the mauka side of 33rd Avenue, approximately 0.3 miles from its intersection with Maku'u Drive, Hawaiian Paradise Park Subdivision, Kea'au, Puna, Hawai'i, TMK: (3) 1-5-016:172.

APPLICANTS' REQUEST

1. **Request:** The applicant is requesting an amendment to Special Permit No. 08-000053, as amended in 2013, to delete Condition No. 2 that states: "The life of the permit for the baseyard shall be for ten (10) years from the effective date of this amendment or upon new industrial zoned lands becoming available within an approximate four (4)-mile radius from the subject property, within a reasonable period to effect the relocation, whichever occurs first."
2. **Purpose for the Request:** The applicant would like to continue to operate a water and freight hauling business established 25 years ago on the subject property that employs various trucks, tractors, and trailers to transport water and freight to its customers. The applicant notes that the request to delete the condition limiting the life of the permit is similar to recently approved amendments for two other special permits within this area.
3. **Hours of Operation:** The hours of operation for baseyard operations shall remain as approved by Condition No. 7 of the special permit, which is 6:30 a.m. to 4:00 p.m., daily.
4. **Supportive Information:** The applicant has submitted the attached in support of the request: **(Planning Department Exhibit 1 – Special Permit Application received on March 5, 2025).**
5. **Landowner:** Carnor J. Sumida Trust

BACKGROUND INFORMATION

6. **July 7, 2008:** Effective date of Special Permit No. 08-000053, approved by the Planning Commission to allow the establishment of a baseyard consisting of an uncovered parking lot for trucks and trailers, a storage container to store truck parts and related use on 0.9 acres of land, with a condition limiting the life of the permit to five (5) years from the effective date of the permit.
7. **October 28, 2008:** Final Plan Approval (PLA-08-000456) was secured within six (6) months from the effective date of Special Permit No. 08-000053, in compliance with original Condition No. 7.
8. **October 23, 2013:** Effective date of an amendment to Special Permit No. 08-000053, approved by the Windward Planning Commission to allow a ten (10)-year time extension to Condition No. 2, thereby extending the life of the permit to October 23, 2023.

STATE AND COUNTY PLANS

9. **State Land Use (SLU) District:** Agricultural (A).
10. **County Zoning:** Agricultural 1-acre (A-1a).
11. **General Plan (LUPAG) Map Designation:** Rural (rur). This category includes existing subdivisions in the State Land Use Agricultural and Rural districts that have a significant residential component. Typical lot sizes vary from nine thousand (9,000) square feet to two (2) acres. These subdivisions may contain small farms, wooded areas, and open fields as well as residences. Allowable uses within these areas, with appropriate zoning, may include commercial facilities that serve the residential and agricultural uses in the area, and community and public facilities.
12. **Puna Community Development Plan (PCDP):** The PCDP was adopted by the Hawai‘i County Council, Ordinance 08 116, on September 10, 2008. The subject property is not located within a designated Hawaiian Paradise Park Regional Town Center; however it is located in an area of 33rd Avenue identified by the PCDP as a potential area for light industrial development.
13. **Special Management Area (SMA):** The subject property is located approximately four (4) miles from the nearest coastline and is not within the Special Management Area.

DESCRIPTION OF PROPERTY AND SURROUNDING AREAS

14. **Subject Property:** The subject property is 0.90-acre in size and is rectangular in shape. It is located within the Hawaiian Paradise Park Subdivision on the mauka side of 33rd Avenue and makai side of the Kea‘au-Pāhoa Highway (Highway 130). The property is currently vacant of structures and used as a truck and trailer baseyard. There is landscaping around the perimeter of the property.
15. **Surrounding Zoning/Land Uses:** Surrounding properties are zoned Agricultural 1-acre (A-1a), are primarily one (1) acre in size, and consist of vacant lands, single-family dwellings, and agricultural uses. The adjacent properties to the south and east are vacant. The closest dwelling is located approximately thirty (30) feet away on the adjacent property to the north.
16. **U.S.D.A. Soil Type:** Pahoe-hoe (rLW), a miscellaneous land type. Pahoe-hoe lava has no soil covering and is typically bare of vegetation except for mosses and lichens.
17. **Land Study Bureau Soil Rating:** Soils within the project site are classified as “E” or “Very Poor” for agricultural productivity.
18. **ALISH:** Unclassified.
19. **Flood Zone:** The Federal Emergency Management Agency’s Flood Insurance Rate Map (FIRM) designates the area of the proposed development to be in Zone X (areas outside of the 500-year floodplain).
20. **Flora/Faunal Resources:** No formal flora/fauna study was submitted with the application. The subject property remains cleared for the truck and trailer baseyard. Site vegetation consists of podocarpus trees around the perimeter of the property.
21. **Archaeological/Cultural/Historical Resources:** No archeological surveys were submitted with the application as the property had been previously cleared. The Department of Land and Natural Resources -State Historic Preservation Division (SHPD) issued a “no-effect” letter dated March 17, 2008, stating that SHPD has determined no historic properties will be affected by the proposed use since previous grubbing/grading has altered the land.
22. **Public Access:** There is no coastal or mountain access through the subject property.
23. **Traffic:** According to the applicant, the previously approved maximum number of 15 tractor-trailers, three water trucks and water and freight trailers parked on the subject

property at any given time will not change. Therefore, there will be no increase in traffic to and from the property.

PUBLIC SERVICES AND FACILITIES

24. **Access/Parking/Traffic:** Access to the subject property is from Kea‘au-Pāhoa Road (Highway 130), a two-lane State highway, onto Maku‘u Drive and 33rd Avenue. Uluhe Street (33rd Avenue) is a private roadway that was paved in 2009 by the applicant and nearby permittees as a condition of their special permits. The driveway apron and parking area is an existing compact gravel and red cinder surface.
25. **Water:** According to the Department of Water Supply (DWS), by letter dated April 21, 2025, the subject property does not have an existing water service with the Department. Should the applicant wish to utilize water from DWS, the Department requests that the applicant submit estimated maximum daily water usage calculations, prepared by a professional engineer licensed in the State of Hawaii, for review and approval. However, the applicant currently uses water from one of his water trucks to clean the vehicles and trailers.
26. **Wastewater:** There is no County sewer system servicing this area. The baseyard use does not generate wastewater.
27. **Solid Waste:** There is no municipal solid waste collection in the County. The baseyard use does not generate solid waste collection.
28. **Other Essential Utilities and Services:** Electric, telephone, and internet services are available to the site, however the baseyard use does not utilize other essential utilities and services. Police, fire, and medical services are available nearby in Kea‘au and Pāhoa.

AGENCIES’ COMMENTS

29. **State Department of Health: (Planning Department Exhibit 2 – March 28, 2025 Memo)**
30. **Department of Water Supply: (Planning Department Exhibit 3 – April 21, 2025 Memo)**

AGENCIES – NO COMMENTS/CONCERNS

31. None as of the date of this writing.

AGENCIES – NO RESPONSE

32. Department of Environmental Management, Police Department, DLNR-Land and

Engineering Divisions, Department of Public Works-Engineering Division, Fire Department, State Office of Planning and Sustainable Development, State Land Use Commission, State Department of Agriculture, Real Property Tax Office, U.S. Fish and Wildlife Service and Hawaiian Paradise Park Community Association.

PUBLIC COMMENTS

33. None as of the date of this writing.

BACKGROUND INFORMATION RELATING TO APPLICANT'S REQUEST TO AMEND SPECIAL PERMIT NO. 08-53: TMK(3) 1- 5- 016- 172; LOT 39-A, HAWAIIAN PARADISE PARK SUBDIVISION, KEAAU, PUNA, HAWAII

For the past 25 years Applicant, Carnor Sumida, the owner of the subject property, has by and through his company, ACR Water Hauling, Inc., continued to operate a water and freight hauling business. The operation employs various trucks, tractors and trailers to transport water and freight to its customers.

Applicant was originally granted Special Permit No. 08-53 on June 6, 2008 for the operation of a baseyard (to keep on the subject property some of Applicant's company's trucks, trailers, and related equipment), which permit was thereafter, on October 23, 2008, amended by the Planning Commission by revising permit Condition No. 2 to extend the life of the permit for an additional 10 year period (Applicant's Exhibit "6").

The property is located within the State Land Use Agricultural District between Highway 130 (Kea` au-Pahoa Road) and 33rd Avenue, Hawaiian Paradise Park Subdivision, Kea` au, Puna, Hawaii TMK: 1- 5- 016: 172. See images of the Subject Property, Exhibits "3" and "4".

Applicant has fulfilled all conditions imposed upon the Applicant by Special Permit No. 08-53, as amended.

There presently exist no structures on the property and none are currently contemplated. See Plot/Site Plan, Exhibit "5".

Applicant hereby requests that Condition No. 2 (life of permit) be further amended by deleting Condition No. 2, thereby transforming Special Permit No. 08-53 to an "open" permit which shall run with the Subject Property and which shall thereby continue to allow Applicant to use the property in accordance with the remaining terms and conditions of the permit.

Applicant also notes that the Planning Commission has approved two other requests that deleted the "Life of Permit" condition, to wit: Special Permit No. SPP 1194 (Docket No. SPP-02-000042 (Robert and Ruby Kobayashi, Exhibit "7")) and Special Permit No. SPP 1139 (Shaleen Curlee, Exhibit "8"), thereby transforming these permits into open permits to run with the land. Both properties are located within the same vicinity as Applicant's property. Consequently, precedent does exist for Applicant's request.

There are no structures on the Subject Property. See property images (Exhibits "3" and "4") as well as Applicant's Plot/Site Plan (Exhibit "5").

Exhibits

#1: Background Information Narrative

#2: Special Permit Application

#3: Google Image Of Subject Property

#4: County Of Hawaii Real Property Tax Department Image of Subject Property

#5: Plot/Site Plan of Subject Property.

#6: Applicant's October 23, 2013 Special Permit No. Special Permit No. 08-000053

#7: Kobayashi February 16, 2023 Special Permit No. Special Permit No. 02-000042

#8: Curlee November, 2022 Special Permit No. 2022-000023

#9: List of Surrounding Properties

SPECIAL PERMIT APPLICATION

COUNTY OF HAWAII PLANNING COMMISSION

(Type or legibly print the requested information)

APPLICANT(S): Robert Crudele

APPLICANT'S SIGNATURE: _____ DATE: December 30, 2024

ADDRESS: PO Box 831116 Pepeekeo, HI. 96783

LIST APPLICANT'S INTEREST (if not owner): Attorney for Owner, Carnor Sumida

PHONE: (Bus.) 808 936 6070 (Res.) _____ (Email) crudele@crudeleandbeerman.co
m

REQUEST: Owner requests that SPecial Permit No. 08-000053 be amended by deleting Condition No. 2
thereby transforming the permit into one without a finite life.

TAXMAP KEY: (3)1-5-016:172 ZONING: Agriculture

SIZE OF PROPERTY / AREA OF REQUESTED USE: Approx. 39,204 sq. ft / entire parcel

LANDOWNER(S): Carnor Sumida

FEE SIMPLE LANDOWNER(S) WRITTEN AUTHORIZATION

(may be provided by letter with the below statement included):

x

DATE: 1/2/2025

DATE: _____

Note: The above written authorization of the landowner(s) gives permission for the applicant/petitioner to file the application/
petition and acknowledges that the landowner(s) and their successors are bound by the Special Permit and its conditions.

AGENT: Robert Crudele

AGENT ADDRESS: PO Box 831116 Pepeekeo, HI 96783

PHONE: (Bus.) 808 936 6070 (Res.) _____ (Email) crudele@crudeleandbeerman.co
m

Please indicate to whom original correspondence and copies should be sent.

ORIGINAL: Agent COPIES: Owner

EXHIBIT "2"

THIS SPECIAL PERMIT APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING:

1. A filing fee of five hundred dollars (\$500) to be paid via EPIC.
2. An Original (signed) copy of the completed application.
3. A written narrative, including the following background information on the subject request:
 - A. Detailed written description of the proposed use, a statement of objectives and reasons for the request, including proposed hours of operation and number of employees/clientele.
 - B. Description of the subject property in sufficient detail to precisely locate the property. Describe existing uses, structures, and topography. If portion of property to be used, state use of remainder of property.
 - C. State/County Plans affecting the subject request: State Land Use Boundary designation, General Plan designation, Zoning, Special Management Area and Community Development Plans.
 - D. Surrounding zoning and land uses.
 - E. Flood Insurance Rate Map (FIRM) designation (contact Department of Public Works - Engineering Division).
 - F. Archaeological and Historic Resources: Describe and show on the plot plan any known historic and archaeological resources on the property. Examples include human skeletal remains, structural remains, sand deposits, midden deposits, and lava tubes. The application may be provided to the State Department of Land and Natural Resources Historic Preservation Division (SHPD) for a determination of whether the project will affect archaeological/historic resources. Please be aware that a hearing before the Planning Commission may not be held until SHPD and the Planning Department determines resources on the property are adequately identified, recorded, mitigated and/or preserved.
 - G. Valued Cultural Resources: Identify any traditional and customary native Hawaiian rights that are exercised in the area; the extent in which the proposed development will affect these rights; and feasible action to be taken to protect native Hawaiian rights if they exist. Examples include areas of traditional collection of terrestrial resources (kī leaf, aho chord, thatch, medicinal plants, and ferns) or marine or riparian resources (limu, 'ōpae, 'o'opu, hīhīwai) used for subsistence, cultural and religious purposes. Traditional and customary rights may also include rights of access to the archaeological and historical resources of the property.
 - H. Floral and Faunal Resources.
 - I. Public Access: Existing public access to and along the shoreline or to mountain areas and knowledge of whether public access is being used.
 - J. Description of access(es) to the area (e.g., width, type of surface and condition of roadway). If a private roadway, submit evidence of legal access rights.

- K. Traffic impacts - assessment of existing traffic conditions, anticipated increase in traffic and traffic impacts from proposed use (a formal study may be requested by Department of Public Works or State Department of Transportation during the review process).
 - L. Availability of utilities: Water, telephone, electricity, solid waste and sewage disposal.
4. A written narrative including the following:
- A. A statement of the reasons for the granting of the Special Permit citing how the proposed use would promote the effectiveness and objectives of chapter 205, HRS (which, for the Agricultural and Rural Districts, seeks to preserve or keep lands of high agricultural potential in agricultural use), and why the proposal is an unusual and reasonable use of the land. The following criteria shall also be addressed:
 - 1. Discussion of how the desired use shall not adversely affect the surrounding properties.
 - 2. Discussion of how such use shall not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, and police and fire protection.
 - 3. Discussion of unusual conditions, trends, and needs have arisen since the district boundaries and regulations were established.
 - 4. Discussion of how the land upon which the proposed use is sought is unsuited for the uses permitted within the district.
 - 5. Discussion of how the proposed use will not substantially alter or change the essential character of the land and the present use.
 - 6. Discussion of how the proposed use will not be contrary to the goals, policies and standards of the General Plan and other applicable documents such as community development plans and design plans. (Note: The General Plan and Community Development Plans are available on the Planning Department website at <https://www.planning.hawaiicounty.gov>).
5. A scale-drawn plot plan of the property showing property lines and measurements; all existing and proposed structures with elevations, uses and improvements; and reference points such as roadways, shoreline, etc.
6. A list of the names, addresses, and tax map keys of all owners and lessees of record of surrounding properties who are required to receive notice.
7. Any other plans or additional information relevant to this application may be requested by the Planning Director to facilitate processing of this request.



Untitled Map
Camor Sumida
15-1897 Keeau Pahoa Rd

Legend
● Wally's Garage LLC
● Wally's Towing

←↻🔍https://qpublic.schneidercorp.com/Application.aspx?AppID=1048&LayerID=23618&PageTypeID=1&PageID=9875&Q=557375573&KeyValue=150161720000

📄https://www.sageti...🏠First Hawaiian Bank...🔍Westlaw📄Edward Jones Acco...🎧Spotify - Web Playe...🌐Hawaiian Airlines -...📄amazon smile prime...🏠eHawaii.gov🌐http://courts.state.hi...📈Daily Stock Market...🌐Google Translate📄USAJOBS - Job Ann...📈nasdaq dividend sto...📄LII / Legal Informati...📄Provider Search Res...📄Active Civil Defense...>📁Other favorites



COUNTY OF HAWAII

Real Property Tax Office

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☒BaseMap
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50 ft

POWERED BY  esri

1818709.17, 260954.00

Parcel ID150161720000

Acreage0.9

ClassRESIDENTIAL

Situs/Physical Address33RD AVENUE

Mailing AddressSUMIDA,CARNOR J TRST

HC 2 BOX 6481

KEAAU HI 96749 9334

Market Land Value\$74,400

Dedicated Use Value\$0

Land Exemption\$0

Net Taxable Land Value\$74,400

Assessed Building Value\$0

Building Exemption\$0

Net Taxable Building Value\$0

Total Taxable Value\$74400

Last 2 Sales

Date	Price	Reason	Qual
2/10/2014	0	RELATED INDIVIDUALS OR CORPORATIONS U	
10/27/2011	0	RELATED INDIVIDUALS OR CORPORATIONS U	

Brief Tax Description

LOT 39-A 0.90 AC BLK 8 MAP 366 LCAPP 1053 (AMENDED) TOG/ESMT

(Note: Not to be used on legal documents)

Results:

Parcel ID - 150161720000

Alt Id - 150161720000

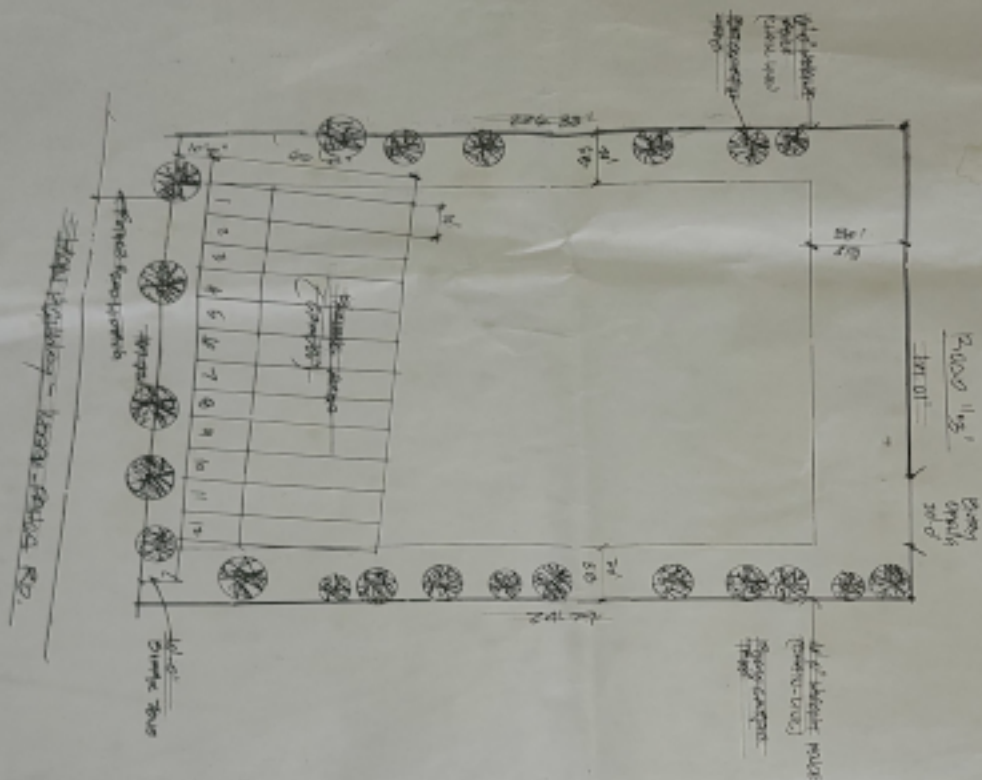
Address - 33RD AVENUE

Owner - SUMIDA,CARNOR J TRST

Acres - 0.9

View: [Report](#) | [Google Maps](#)

EXHIBIT "4"



SITE PLAN
DATE: 11-20-01

AT PROPERTY BOUNDARY LINE
 D.C. R. WATER TREATING PLANT
 Twp. 10N Rng. 13E S. 21-22-172
 LOT 10000 - 007 ACRES
 LOCATION: KENNESAW, GA.

AT PROPERTY BOUNDARY LINE
 D.C. R. WATER TREATING PLANT
 Twp. 10N Rng. 13E S. 21-22-172
 LOCATION: KENNESAW, GA.



County of Hawai'i

WINDWARD PLANNING COMMISSION

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawai'i 96720
Phone (808) 961-8288 • Fax (808) 961-8742

OCT 23 2013

Sandra Pechter Song, Esq.
10 Kamehameha Avenue
Hilo, HI 96720

Dear Ms. Song:

Special Permit (SPP No. 08-000053)
Applicant: Carnor J. Sumida
Request: 10-Year Time Extension to Condition No. 2 (Life of Permit)
Tax Map Key: 1-5-016:172

The Windward Planning Commission, at its duly held public hearing on October 3, 2013, voted to approve the above-referenced request for a 10-year time extension of time to Condition No. 2 (life of permit) of Special Permit No. 08-053, which allowed the establishment of a baseyard for trucks and trailers on 0.9-acre of land situated within the State Land Use Agricultural District. The property is located between Highway 130 (Kea'au-Pāhoa Road) and 33rd Avenue in Hawaiian Paradise Park Subdivision, Kea'au, Puna, Hawai'i.

Approval of the request is based on the following:

The applicant is requesting an amendment for a 10-year time extension of Condition No. 2 of Special Permit No. 08-53, which allowed the establishment of a baseyard for trucks and trailers on 0.9 acres of land situated within the Hawaiian Paradise Park Subdivision on the mauka side of Uluhe Street (33rd Avenue). Special Permit No. 08-53 was approved with a 5-year permit life. Five years has passed and the applicant would like to continue operating his business on the property for an additional 10 years. There have been no suitable industrial-zoned lands that have become available within a 4-mile radius since the Special Permit was issued.

Hawai'i County is an Equal Opportunity Provider and Employer

EXHIBIT "6"

34

Granting of the time extension request would not be contrary to the original reasons for the granting of the permit. The baseyard use will continue to be an unusual and reasonable use of lands situated within the Agricultural District and will not be contrary to the objectives of Chapter 205, HRS, as amended. The land upon which the existing use is sought is unsuited for the uses permitted within the district. It is classified as "E" or "Very Poor" for agricultural productivity by the Land Study Bureau and unclassified by the Agricultural Lands of Importance to the State of Hawai'i (ALISH) Map. With the installation and continued maintenance of the appropriate landscaping along the property boundaries and limited business hours, noise and visual impacts upon the adjoining properties can continue to be adequately mitigated. Since the approval of the Special Permit, the use has not adversely affected surrounding properties, as the Planning Department has not received any complaints regarding the operation. Lastly, the continued operation will not unreasonably burden public agencies to provide roads, sewers, water, drainage, and police and fire protection.

Approval of this request would not be contrary to the General Plan or the Zoning Code. Since the granting of the Special Permit in 2008, the Puna Community Development Plan (PCDP) was adopted and amended. The PCDP recognizes that although industrial-zoned Shipman Business Park is very large, it is at some distance from emerging population centers in Hawaiian Paradise Park/Orchidland/Āinaloa and upper Puna, and there has been a demand for light industrial sites closer to these population centers. This has resulted in special permits creating light-industrial uses scattered among residential and agricultural lots, rather than planned development.

A 2010 amendment of the PCDP proposed that further industrial development should occur on the sites currently designated in the General Plan LUPAG map, plus an area along 33rd Avenue in Hawaiian Paradise Park, from Maku'u going toward Kea'au, where several businesses have special permits. This area, which consists of 46 lots of 0.5 to 1.0 acre, should become a light industrial area only if the survey currently being conducted by the Planning Department shows that lot owners want this changed and are willing to fund the infrastructure improvements necessary to create a light industrial area: road improvements, water, and thick landscaping to shield the site from Highway 130 and the residential lots abutting the site.

The survey referenced above in the amendment to the Puna CDP was conducted by a previous Planning Director, who made an effort to contact the owners of these 46 lots along 33rd Avenue by sending letters and requesting their input on the matter. There were 17 of the 46 lot owners who responded to the letters. There were 9 owners in favor of changing the land use of the area for industrial uses, 6 owners who are not in favor of changing the land use and 2 owners are not sure about the change. In addition, the Planning Director sent letters to the owners on 32nd Avenue that border the makai lots on 33rd Avenue asking if they would be in favor of a land use change to a light industrial area

on 33rd Avenue. There were 3 of the 27 lot owners who responded to these letters and all 3 were against the change. The survey results were pretty even with approximately half of those responding being in favor of the change and half not being in favor of the change.

In light of the above, the Planning Department will continue to encourage landowners with light industrial uses on 33rd Avenue to relocate to an industrial-zoned district if they become available within a 4-mile radius or to continue submitting time extensions to extend the life of their permits until a permanent change to the General Plan from rural to industrial for this area has been adopted and the area can be rezoned for industrial uses. In this case, because no suitable industrial zoned lands have become available in a 4-mile radius, the Planning Director supports the approval of the 10-year time extension request with the continued condition that the applicant will be required to relocate the business if suitable industrial zoned lands become available for use within a 4-mile radius within the 10-year time period.

The PCDP recommends the following guidelines for establishing light-industrial uses along 33rd Avenue: "Industrial development for those sites proposed in the community development plan should have adequate infrastructure, to include road access, water, and landscaping to limit visibility from the highways to emphasize that these sites are to provide services to the residential and agricultural communities. All industrial sites should have alternate access to the main highway, and no lots should have direct highway access." Conditions were included in the original permit that required the applicant meet these guidelines such as paying a fair share cost in paving 33rd Avenue, prohibiting direct access to Highway 130, and providing a landscape buffer to limit visibility of the baseyard from the highway.

The applicant has complied with these conditions and although he has made a good faith effort to maintain the landscaping, it does not currently meet the intent of the PCDP to provide "thick landscaping to shield the site from Highway 130 and the residential lots abutting the site." This is mainly because when some of the plants died they were replanted with small trees that take time to grow to create an adequate visual buffer. The applicant has recently replanted 6-foot tall Podocarpus trees along the southern corner of the lot which should provide a thick landscape screen from Highway 130 at maturity. However, should these trees or any other boundary landscaping die in the future, the Department recommends the applicant replace these trees with a different species that may grow more successfully such as areca palms, and that the trees be at least 6-feet in height at planting. In a letter dated May 30, 2013 (see P.D. Exhibit 1), the applicant's neighbor requested that trees not be planted along his fence line, therefore the Department also recommends that Condition No. 7 related to landscaping be revised to reflect the neighbor's wishes.

A water system has not been installed because the applicant uses water from one of his water tank trucks to water the landscaping and clean the trucks and trailers stored at the baseyard. Since potable water is not required at the site for the baseyard use, we recommend removal of Condition No. 11 related to a water commitment from the Department of Water Supply. We are also recommending deletion of other conditions that the applicant has already fulfilled such as paving 33rd Avenue and securing final plan approval. With the continued implementation of the recommended conditions, the amendment to Condition No. 2 will not be contrary to the General Plan or the Zoning Code.

Based on the above, the 10-year time extension request to Condition No. 2 of Special Permit No. 08-53 is approved. Approval of this amendment request is subject to the following conditions (new material is underscored and deleted material is bracketed and struck through):

1. The applicant shall be responsible for complying with all of the stated conditions of approval.
2. The life of the permit for the baseyard shall be for ~~[five-(5)]~~ ten (10) years from the effective date of this ~~[permit]~~ amendment or upon new industrial zoned lands becoming available within an approximate four (4)-mile radius from the subject property, within a reasonable period to effect the relocation, whichever occurs first.
- ~~[3. The applicant shall pay his fair share cost of paving 33rd Avenue to the property site to a minimum width of 20 feet meeting with the approval of the Hawaiian Paradise Park Association, and that the paving shall be completed within one (1) year from the effective date of this permit.]~~
- ~~[4. The applicant shall pay his fair share of any other necessary infrastructure improvements that are required for improving 33rd Avenue.]~~
- ~~[5.]~~3. The baseyard operations shall be conducted in substantial conformance with representations made in the application and to the Planning Commission.
- ~~[6.]~~4. No further subleasing of the property shall occur for baseyard or other business-related activities.
- ~~[7. Final Plan Approval from the Planning Director shall be secured within six (6) months from the effective date of this permit in accordance with the Zoning Code, Sections 25-2-71(f), 25-2-72, 25-2-76 and 25-2-77. Plans shall identify existing and proposed structures, the number, type and location of heavy equipment, fire protection measures, landscaping, signage, parking stalls, driveway and other improvements associated with the uses. Landscaping for all property boundaries,~~

~~shall also be indicated on the plans and be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties. Landscaping shall be established and maintained at a minimum height of ten (10) feet and minimum depth of four (4) feet within and along all property boundaries, and be designed to provide a complete visual screen from Highway 130 when the landscaping is fully mature.]~~

5. A thick landscape screen shall be provided for the purpose of mitigating any adverse noise or visual impacts to adjacent properties and for limiting the visibility of the baseyard from the highway. Landscaping shall be established and maintained at a minimum height of ten (10) feet and minimum depth of four (4) feet within and along the west property boundary, and be designed to provide a complete visual screen from Highway 130 when the landscaping is fully mature. The applicant shall immediately replace any trees that die in the future with fully mature trees. Landscaping shall be established and maintained at a minimum height of ten (10) feet and minimum depth of four (4) feet within and along the north, east and south property boundaries, unless otherwise agreed to with neighboring property owners.

~~[8. The required landscaping shall be installed prior to the occupancy of a baseyard on the subject property.]~~

~~[9.]~~6. Access to the subject property shall be limited to 33rd Avenue.

~~[10.]~~7. The hours of operation for the baseyard operations shall be limited to 6:30 a.m. to 4:00 p.m., daily.

~~[11. Prior to the issuance of a water commitment by the Department of Water Supply, the applicant shall submit the anticipated maximum daily water usage calculations as recommended by a registered engineer, and a water commitment deposit in accordance with the "Water Commitment Guidelines Policy" to the Department of Water Supply within one hundred and eighty days from the effective date of this permit.]~~

~~[12.]~~8. The applicant shall comply with all applicable laws, rules and regulations of the State and County agencies for this baseyard use.

~~[13.]~~9. If the applicant fails to comply with the conditions of approval or is unable to resolve any public complaint(s), the Planning Director shall investigate and, if necessary, enforce the appropriate conditions. The Planning Director may, as part of any enforcement action, refer the matter to the Planning Commission for review. Upon appropriate findings by the Planning Commission, that the applicant has failed to comply with the conditions of approval or has caused an

unreasonable adverse impact on surrounding properties, the permit may be suspended or revoked.

- ~~[14. An initial extension of time for the performance of conditions, with the exception of Condition No. 2 and 3, within the permit may be granted by the Planning Director upon the following circumstances:~~
- ~~A. Non performance is the result of conditions that could not have been foreseen or are beyond the control of the applicant, successors, or assigns and that are not the result of their fault or negligence.~~
 - ~~B. Granting of the time extension would not be contrary to the General Plan or Zoning Code.~~
 - ~~C. Granting of the time extension would not be contrary to the original reasons for the granting of the permit.~~
 - ~~D. The time extension granted shall be for a period not to exceed the period originally granted for performance (i.e., a condition to be performed within one year may be extended for up to one additional year).]~~

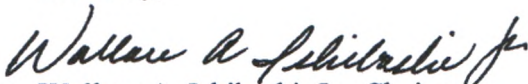
10. If the applicant should require an additional extension of time, the applicant shall submit the request to the Planning Commission for appropriate action.

Should any of these conditions not be met or substantially complied with in a timely fashion, the Director may initiate procedures to revoke this permit.

This approval does not, however, sanction the specific plans submitted with the application as they may be subject to change given specific code and regulatory requirements of the affected agencies.

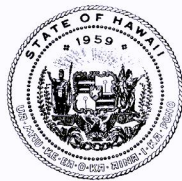
Should you have any questions, please contact Daryn Arai of the Planning Department at 961-8288.

Sincerely,


Wallace A. Ishibashi, Jr., Chairman
Windward Planning Commission

Lsumida01spp08-053wpc

cc: Mr. Carnor J. Sumida
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Mr. Gilbert Bailado



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 916
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: March 28, 2025

TO: Mr. Jeffrey W. Darrow
Planning Director, County of Hawaii

FROM: Eric Honda
District Environmental Health Program Chief

SUBJECT: Amended Special Permit Application (PL-SPP-2025-000088)
Applicant: Carnor Sumida
Request: Amendment to Special Permit No. SPP-08-000053 to Delete
Condition No. 2 to Remove the 10-Year Life of Permit
Tax Map Key: (3) 1-5-016:172, Kea'au, Puna, Hawai'i

In most cases, the District Health Office will no longer provide individual comments to agencies or project owners to expedite the land use review and process.

Agencies, project owners, and their agents should apply Department of Health "Standard Comments" regarding land use to their standard project comments in their submittal. Standard comments can be found on the Land Use Planning Review section of the Department of Health website: <https://health.hawaii.gov/epo/landuse/>. Contact information for each Branch/Office is available on that website.

Note: Agencies and project owners are responsible for adhering to all applicable standard comments and obtaining proper and necessary permits before the commencement of any work.

General summary comments have been included for your convenience. However, these comments are not all-inclusive and do not substitute for review of and compliance with all applicable standard comments for the various DOH individual programs.

Clean Air Branch

2. Control of Fugitive Dust: You must reasonably control the generation of all airborne, visible fugitive dust and comply with the fugitive dust provisions of HAR §11-60.1-33. Note that activities that occur near existing residences, businesses, public areas, and major thoroughfares exacerbate potential dust concerns. It is recommended that a dust control management plan be developed which identifies and mitigates all activities that may generate airborne and visible fugitive dust and that buffer zones be established wherever possible.
3. Standard comments for the Clean Air Branch are at: <https://health.hawaii.gov/epo/landuse/>

Clean Water Branch

1. All project activities shall comply with the HAR, Chapters 11-53, 11-54, and 11-55.
 1. The following Clean Water Branch website contains information for agencies and/or project owners who are seeking comments regarding environmental compliance for their projects with HAR, Chapters 11-53, 11-54, and 11-55: <https://health.hawaii.gov/cwb/clean-water-branch-home-page/cwb-standard-comments/>.

Hazard Evaluation & Emergency Response Office

1. A Phase I Environmental Site Assessment (ESA) and Phase II Site Investigation should be conducted for projects wherever current or former activities on site may have resulted in releases of hazardous substances, including oil or chemicals. Areas of concern include current and former industrial areas, harbors, airports, and formerly and currently zoned agricultural lands used for growing sugar, pineapple or other agricultural products.
2. Standard comments for the Hazard Evaluation & Emergency Response Office are at: <https://health.hawaii.gov/epo/landuse/>.

Indoor and Radiological Health Branch

1. Project activities shall comply with HAR Chapters 11-39, 11-45, 11-46, 11-501, 11-502, 11-503, and 11-504.
2. Noise may be generated during demolition and/or construction. The applicable maximum permissible sound levels, as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control," shall not be exceeded unless a noise permit is obtained from the Department of Health.
3. Construction/Demolition Involving Asbestos: If the proposed project includes renovation/demolition activities that may involve asbestos, the applicant should contact the Asbestos and Lead Section of the Branch at <https://health.hawaii.gov/irhb/asbestos/>.

Safe Drinking Water Branch

1. Agencies and/or project owners are responsible for ensuring environmental compliance for their projects in the areas of 1) Public Water Systems; 2) Underground Injection Control; and 3) Groundwater and Source Water Protection in accordance with HAR Chapters 11-19, 11-20, 11-21, 11-23, 11-23A, and 11-25. They may be responsible for fulfilling additional requirements related to the Safe Drinking Water program: <https://health.hawaii.gov/sdwb/>.
2. Standard comments for the Safe Drinking Water Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Solid & Hazardous Waste Branch

1. Hazardous Waste Program - The state regulations for hazardous waste and used oil are in HAR Chapters 11-260.1 to 11-279.1. These rules apply to the identification, handling, transportation, storage, and disposal of regulated hazardous waste and used oil.
2. Solid Waste Programs - The laws and regulations are contained in HRS Chapters 339D, 342G, 342H, and 342I, and HAR Chapters 11-58.1 and 11-282. Generators and handlers of solid waste shall ensure proper recycling or disposal at DOH-permitted solid waste management facilities. If possible, waste prevention, reuse, and recycling are preferred options over disposal. The Office of Solid Waste Management also oversees the electronic device recycling and recovery law, the glass advanced disposal fee program, and the deposit beverage container program.
3. Underground Storage Tank Program – The state regulations for underground storage tanks are in HAR Chapter 11-280.1. These rules apply to the design, operation, closure, and release response requirements for underground storage tank systems, including unknown underground tanks identified during construction.
4. Standard comments for the Solid & Hazardous Waste Branch can be found at: <https://health.hawaii.gov/epo/landuse/>.

Wastewater Branch

For comments, please email the Wastewater Branch at doh.wwb@doh.hawaii.gov.

Sanitation / Local DOH Comments:

1. According to HAR §11-26-35, No person, firm, or corporation shall demolish or clear any structure without first ascertaining the presence or absence of rodents that may endanger public health by dispersal from such premises. Should any such inspection reveal the presence of rodents, the rodents shall be eradicated before demolishing or clearing the structure. A demolition permit is required prior to demolition.

Other

1. [CDC - Healthy Places - Healthy Community Design Checklist Toolkit](#) recommends that state and county planning departments, developers, planners, engineers, and other interested parties apply these principles when planning or reviewing new developments or redevelopment projects.
2. If new information is found or changes are made to your submittal, DOH reserves the right to implement appropriate environmental health restrictions as required. Should there be any questions on this matter, please contact the Department of Health, Hawaii District Health Office, at (808) 933-0917.



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KĒKŪANAO'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

April 21, 2025

TO: Mr. Jeffrey Darrow, Director
Planning Department

FROM: Keith K. Okamoto, Manager—Chief Engineer

SUBJECT: **Amended Special Permit Application (PL-SPP-2025-000088)**
Applicant: Carnor Sumida
Request: Amendment to Special Permit No. SPP-08-000053 to Delete Condition No. 2 to
Remove the 10-Year Life of Permit
Tax Map Key 1-5-016:172

We have reviewed the subject application and our comments from our April 28, 2008, memo still are applicable.

Water can be made available from an existing 12-inch waterline within Keaau-Pahoa Road fronting the subject parcel.

The Department has no objection to the proposed application, subject to the applicant understanding and accepting the following conditions:

1. Should the applicant wish to utilize water from the Department's water system, we would request that the applicant submit estimated maximum daily water usage calculations, prepared by a professional engineer licensed in the State of Hawaii, for review and approval. The water usage calculations should include the estimated peak-flow in gallons per minute and the total estimated maximum daily water usage in gallons per day including all irrigation/landscaping use, if necessary.

Upon receipt of the water usage calculations, the Department will make a determination as to the water commitment deposit amount due, prevailing facilities charge (subject to change) to be paid, and the appropriate meter size to serve the proposed project.

2. If county water service is used, the proposed land use will require the installation of a reduced pressure type backflow prevention assembly, within five (5) feet of the meter on private property. The installation of the backflow prevention assembly must be inspected and approved by the Department before water service can be granted.
3. Depending on the appropriate meter size required (based on the water usage calculations provided in Item No. 1 above), the applicant may be required to submit construction plans, prepared by a professional engineer licensed in the State of Hawaii, showing service lateral installation.
4. The applicant should contact the Fire Department for any fire protection requirements.

Planning Dept.
Exhibit 3

... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

The Department of Water Supply is an Equal Opportunity provider and employer.

Mr. Jeffrey Darrow, Director

Page 2

April 21, 2025

5. Subject to other agencies' requirements to construct improvements within the project area, the applicant shall be responsible for the relocation and adjustment of the Department's affected water system facilities, should they be necessary.

Should there be any questions, please contact Ms. Robyn Matsumoto of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Okamoto', with a stylized flourish at the end.

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RM:klcm

copy – Mr. Carnor Sumida
Mr. Robert Crudele