

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

Application for VARIANCE)
by)
HAWAII BIOGENICS, LTD.)
from)
MAXIMUM ALLOWABLE HEIGHT)
REQUIREMENT)
in)
Opihipau, North Kohala, Hawaii)

Variance No. 415

VARIANCE PERMIT

The County Planning Commission at a duly held public hearing on August 8, 1974 considered the application of HAWAII BIOGENICS, LTD. for a variance from Chapter 8, (Zoning Code), Article 7, Section 4, Hawaii County Code, as Amended, more specifically to allow the construction of six (6) vertical silos at a height of eighty-five (85) feet in lieu of the maximum allowable height limit of three (3) stories or fifty-five (55) feet as required within the Agricultural 20-acre (A-20a) zoned district in Opihipau, North Kohala, Hawaii, Tax Map Key 5-5-06: portion of 3.

The Commission has found that:

1. The granting of the variance will not be materially detrimental to the public welfare nor will it be injurious to improvements or property rights related to property in the near vicinity. Visually from the Belt Highway, the additional height of the silos will not render the area any more conspicuous as they are to be located approximately 6,000 feet below the highway, and although they are to be constructed to a height of 85 feet it will be difficult to see them from the highway. However, it is conceded that the silos will be visually significant as the project area is approached. From the makai side of the subject site the slope of the land will create a back drop so as to make the silos blend into the landscape. From Upolu Airport it will also be difficult to view the silos from a pedestrian or vehicular level. Therefore, in this instance, because of the sloping topography of the land leading to the subject site, the location of the silos great distance away from the highway and the large area of land involved so as to situate the silos well away from the main highway, it is felt that from a visual perspective, the silos will not be materially detrimental to the public welfare. From an economic and an agricultural perspective, the welfare of the general public will be benefited. The economic interests of the North Kohala District as well as the County will be

boosted by the proposed agriculture/aquaculture complex. The agricultural interests will be served as this new concept in silage storage and grain feeding will increase production as well as provide a better agricultural product for consumption by the people of the County of Hawaii.

2. The granting of the variance will not adversely militate against the County General Plan. The granting of the variance will in fact implement courses of action of the Economic and Agricultural element of the General Plan. The Economic Element course of action for this district states that "The County shall work closely with the people of the district and with industry to plan alternative uses for the lands affected by the termination of sugar operations." This will in fact be accomplished as employment will be offered to the local market in the area. The "Agriculture" element course of action for this district states that "the County shall encourage and assist the expansion of the Cattle industry and support facilities, and that the County shall encourage the growing of new crops such as corn, sorghum, and seed crops in North Kohala." (With the proposed silos, the applicant intends to do as is stated in this section of the General Plan.) The Cattle industry will be strengthened with the introduction of better quality and quantity of feed, as well as the growing and harvesting of corn, sorghum and seed crops. The granting of this variance will be in keeping with the economic element policy of striving for diversification of the economy by strengthening existing industries and attracting new endeavors.
3. The granting of the variance will not be inconsistent with the general purposes of the district or the intent of this ordinance. The general purpose of the district is to provide for agricultural uses. The proposed silos are integrally associated with agriculture, as they will be providing a higher quality of high moisture grains, silage and head chop which will in turn lead to more successful beef, dairy beef, dairy heifer and hog feeding programs.
4. There is a special circumstance applying to the subject building which does not generally apply to surrounding improvements in the same district. The proposed silos are to be the first structures of this nature to be built in the state. The use of the silos would be the forerunner of an entirely new concept of storing high moisture feed in Hawaii. The storage of the silage in these silos will eliminate many problems of spoilage, as well as eliminate insect and bird infestation by accommodating harvest of feed grain at an earlier stage of maturity.
5. The granting of the variance will not abuse a grant of a personal privilege inconsistent with limitations upon other properties under identical district classification. The entire agricultural complex being planned is dependent upon the successful storage and preparation of silage and head chop along with high moisture grains. The entire proposed project will inject well over 7 million dollars into the economy over the next ten years and it is the intention of

the management of Hawaii Biogenics, Ltd. that all assistant management, clerical, maintenance, calf feeders, cowboys, cattle feeders, truck drivers, tractor operators and all help for related enterprises of slaughter and processing be drawn from the local market. In addition, during the construction phases of the project, local labor and skills will be utilized in building the complex.

Therefore, in view of the foregoing, the best interests of the people of the County could be served in allowing the granting of this variance, as new steps and opportunities for the betterment of an industry are being considered, along with the fact that a higher quality industry will be able to process a higher quality product with local labor and skills.

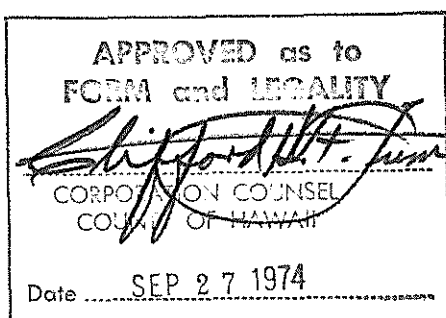
Therefore, the Commission hereby grants to the applicant a variance to allow the construction of six (6) vertical silos at a height of eighty-five (85) feet in lieu of the maximum allowable height limit of three (3) stories or fifty-five (55) feet as required within the Agricultural 20-acre (A-20a) zoned district pursuant to the authority vested in it by Section 7 of said Code, subject to the following conditions that:


1. Construction of the silos commence within one (1) year from the date of approval;
2. The silos be constructed at a height not to exceed 85 feet;
3. A permit for construction be secured from the Department of Transportation Airport Division, and a notice of proposed construction be submitted to the Federal Aviation Administration prior to construction and such approval and notice be submitted to the Planning Department for verification;
4. In the event that the Hawaii Biogenics, Ltd.'s agricultural and aquacultural complex ceases or terminates its operation because of financial or other reasons, the applicant, Hawaii Biogenics, Ltd., will be responsible in dismantling, removing and disposing of the subject silos and the concrete bases upon which the silos are sited. In addition, upon removal of the foregoing, the area of the silo site is to be restored to the condition which had existed prior to construction; and
5. All applicable rules and regulations be complied with including the "Plan Approval" process.

Should these conditions not be met, the variance shall be deemed null and void.

The effective date of this permit shall be from August 8, 1974.

Dated at Hilo, Hawaii, this 25th day of September, 1974.




Arthur W. Martin, Chairman