

PLANNING COMMISSION

Planning Department
County of Hawaii
Hilo, Hawaii

APPLICATION FOR SPECIAL PERMIT)
by) SPECIAL PERMIT NO. 450
MIKO MEAT CORPORATION)
for)
TO LEGITIMIZE A NON-CONFORMING)
SLAUGHTERHOUSE COMPLEX AND TO)
ALLOW A BEEF PROCESSING ADDITION)
in)
KEAAU, PUNA, HAWAII)
_____)

SPECIAL PERMIT

The County Planning Commission at duly held public hearings on April 24, 1980, considered the application of MIKO MEAT CORPORATION for a Special Permit in accordance with Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission relating to Special Permit to legitimize a non-conforming slaughterhouse complex and to allow a beef processing addition at Keaau, Puna, Hawaii, Tax Map Key 1-6-141:1 (portion) and 2.

The Commission has found the following:

That the proposed use will not be contrary to the objectives sought to be accomplished by the State Land Use Law and Regulations. The intent of these statutory provisions is to preserve, protect and encourage the development of lands in the State of Hawaii for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii. In the case of the Agricultural district, the intent is to preserve lands of high agricultural potential for agricultural purposes. The purpose of the subject request is to confirm the slaughterhouse operation which has been in existence since 1943 and to allow certain improvements on the subject property. This operation is directly related to an agricultural activity. Within the State Land Use's and County's Agricultural zoned districts, processing of agricultural products, such as the slaughtering and processing of cattle, is a permitted use provided that the "products" are grown or raised on the premise. If the cattle to be processed were raised solely on the premise, then a Special Permit would not be required. In this case, however, since the "products" are gathered from other areas, a Special Permit is necessitated.

In light of these factors, it is determined that the slaughterhouse operation will be a positive benefit and support to agriculture. This operation will indeed further the objectives of the Land Use Law and Regulations by encouraging and strengthening existing and future agricultural activities in the area. It is also a fact that the granting of this

particular request would also complement the Economic goal of the General Plan which states that "The County of Hawaii shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors."

The proposed uses will also not affect the surrounding properties and land uses, as they are basically in macadamia nut and sugar cane productions or other types of agricultural activity. Therefore, it is determined that the slaughterhouse operation will not have an adverse impact on the surrounding properties nor to the overall agricultural activities in the area.

Furthermore, since the current use is already in existence and allowed as a non-conforming one, the denial of this particular request would somewhat interfere with the best manner of development of the subject property. If the Special Permit were to be denied, the slaughterhouse operation can still remain, but in a condition which may not upgrade the existing operation or which would require substantial renovation. In either of these instances, the efficiency of the operation may be considerably impaired. It should also be stated that the improvements to the existing facility, which would involve the construction of the beef processing room addition, was recommended by the State Department of Agriculture. This Department has the inspectional jurisdiction of slaughtering and processing activities.

Therefore, the Commission hereby grants to the petitioner a Special Permit to legitimize a non-conforming slaughterhouse complex and to allow a beef processing addition at Keaau, Puna, Hawaii, pursuant to the authority vested in it by Chapter 205, Section 205-6, Hawaii Revised Statutes, as amended, and Rule No. 6 of the Planning Commission.

Approval of the Special Permit is subject to the following conditions:

1. That the area covered under the Special Permit shall not exceed fifteen (15) acres in size. Further, a metes and bounds description and map of the area shall be submitted within one (1) year from the effective date of the Special Permit.
2. That plans for the proposed beef processing room addition be submitted and final plan approval be secured within one (1) year from the effective date of the Special Permit.
3. That construction of the proposed beef processing room addition commence within one (1) year from the date of receipt of final Plan Approval and be completed within two (2) years thereafter.
4. That prior to construction of any other improvements in the future, the plans shall be submitted to the Planning Department for review and approval.
5. That all other applicable rules, regulations and requirements, including those of the State Departments of Agriculture and Health, and the County Department of Public Works be complied with.

Should the foregoing conditions not be met, the Special Permit may be deemed null and void by the Planning Commission.

The effective date of the Special Permit shall be April 24, 1980.

Dated at Hilo, Hawaii, this 26th day of August, 1980.

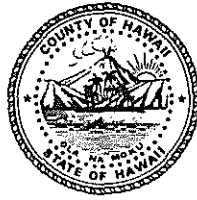
William J. Paris, Jr.
WILLIAM J. PARIS, JR.
Chairman, Planning Commission

APPROVED AS TO FORM
AND LEGALITY:

Robert B. Laganis
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date: 22 August 80

hiro



County of Hawaii

PLANNING COMMISSION

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 Fax (808) 961-9615

CERTIFIED MAIL

June 7, 1993

Mr. Marcus Bender, President
Hawaii Brewery Development Co. Ltd.
4747 Kilauea Avenue, Suite 213
Honolulu, HI 96816

Dear Mr. Bender:

Special Permit No. 842
Applicant: Hawaii Brewery Development Co. Ltd.
Request: Establish Brewery, Water and Soft Drink Bottling
Facility and Related Improvements
Tax Map Key: 1-6-141:Portion of 1 & 2

The Planning Commission at its duly held public hearing on May 27, 1993, voted to approve Special Permit No. 842, to establish a brewery, water and soft drink bottling facility and related improvements on approximately 14.5 acres of land in the State Land Use Agricultural District. The Planning Commission also voted to nullify Special Permit No. 450 which allowed the establishment of a slaughterhouse at this site. The site includes the former Miko Meat Slaughterhouse which is located approximately 650 feet east of the Slaughterhouse Road-Volcano Highway intersection Keaau, Puna, Hawaii.

Approval of this request is based on the following:

The granting of this special permit will promote the effectiveness and objectives of Chapter 205, Hawaii Revised Statutes, as amended. The State Land Use Law Rules and Regulations are intended to preserve, protect, and encourage the development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare of the people of the State of Hawaii.

In the case of the Agricultural districts, the intent of the State Land Use Law Rules and Regulations is to preserve or keep lands of high agricultural potential in agricultural use.

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The land on which the proposed use is located is unsuited for agricultural uses. Soils within the property are classified as "Other Important Agricultural Land" according to the ALISH map system and "D" or "Poor" by the Land Study Bureau for agricultural productivity. While soils within the project site are fairly suitable for agricultural uses, the proposed brewery and bottling operation will, for the most part, utilize existing structures which were built in 1943. Several proposed additions to the existing slaughterhouse and warehouse complexes include the construction of a new machine and equipment building, a visitor center/service building and a water packaging building. These improvements will be located within the project site, which has undergone extensive improvement as part of the former slaughterhouse operations. Therefore, it is anticipated that the proposed use will not adversely impact the agricultural land inventory within the County of Hawaii and not be contrary to the intent and purpose of the State Land Use Law.

The request is not contrary to the General Plan. The proposed use would also compliment the following goals and policies of the Economic Element of the General Plan:

- * Economic development and improvement shall be in balance with the physical and social environments of the island of Hawaii.
- * The County shall provide an economic environment which allows new, expanded, or improved economic opportunities that are compatible with the County's natural and social environment.
- * The County shall strive for diversification of its economy by strengthening existing industries and attracting new endeavors.

The approval of this request would also be consistent with the Land Use policy of the General Plan which states:

- * Designate and allocate industrial areas in appropriate proportions and in keeping with the social, cultural, and physical environments of the County.
- * Industrial development shall be located in areas adequately served by transportation, utilities, and other amenities. . . .
- * Industrial development shall maintain or improve the quality of the present environment.

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- * Industrial activities may be located close to raw materials or key resources.
- * Buffer zones shall be established between industrial and adjacent noncompatible uses of land.

Although industrial in nature, approval of this request at this particular location would also allow for other expanded uses of the brewery that may be open to the public. More specifically, tours of the proposed brewery operations will be made available to the public. The beer manufacturing process, samples of beer and T-shirt sales will be made available at the proposed visitor center.

The proposed use will not have any significant adverse effects on the surrounding properties. The proposed use will occupy, for the most part, structures formerly utilized as a slaughterhouse. The proposed use will inherently be less noxious in character than the former slaughterhouse operations, which had been in operation in excess of 40 years. Other existing industrial-type of uses are located in the immediate vicinity of the project site, including a kim chee processing facility, macadamia nut drying and processing plant, and a papaya packing plant. Given the former use of the project site and similar industrial-type of uses within the area, it is anticipated that the proposed use will not generate any adverse impacts to surrounding properties. However, to ensure the mitigation of any adverse visual or noise impacts which may be generated, appropriate landscaping and paved access and parking areas is recommended. Odor generated by the proposed use is anticipated to be negligible, especially when compared to odors which may have been generated by the former slaughterhouse operation.

The proposed use will not substantially alter or change the essential character of the land and the present use. As previously mentioned, the former slaughterhouse operation had been in existence in excess of 40 years. The applicant intends to utilize, for the most part, existing structures to house its brewery and bottling operations. Due to concerns expressed regarding the operation of the proposed visitor destination center, it is recommended that the Planning Department reassess the proposed visitor destination center use 3 years from the date of issuance of a certificate of occupancy for the visitor destination center use to ensure its continued conformance with the original intent and purpose for granting of this Special Permit.

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The proposed use will not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, school improvements, police and fire protection. Wastewater disposal will be accommodated within individual wastewater treatment system(s). The Department of Health will enforce wastewater disposal regulations. County water is available to the subject property, which will be supplemented by an existing well. Other essential utilities and services are or will be made available. Access from the Volcano Highway frontage-road to the subject property will be via Slaughterhouse Road, a private roadway having a pavement width of approximately 20 feet within an approximately 45-foot right-of-way with 5-foot wide gravel shoulders. From Slaughterhouse Road, access then proceeds over a private roadway stub owned by W.H. Shipman, Inc. This roadway stub, which provides access to the Keaau Kim Chee facility and the project site, has a pavement width of approximately 8 to 10 feet within a 50-foot right-of-way. Concerns regarding the adequacy of this roadway stub to accommodate the proposed use were raised by surrounding property owners at the Planning Commission's April 15, 1993 meeting on the subject application. A subsequent meeting with these landowners, the applicant, and affect agencies' representatives resulted in the clarification of the proposed project and defining of specific mitigative measures.

Discussion on accidents along the Volcano Highway frontage road found that such accidents occur during nights when visibility is low. Therefore, it is recommended that the hours of operation of the proposed brewery/bottling/ visitor center operations be limited to the hours from 7:00 a.m. to 6:30 p.m., daily. As with other requests for Special Permits which are non-residential/non-agricultural in nature, the applicant shall improve the private roadway stub with a minimum pavement width which would allow for two-way traffic, in a manner meeting with the approval of the Department of Public Works. Since most of the concerns regarding traffic revolved around the proposed visitor center operations, its use will be limited to demonstrations of the beer manufacturing process, sampling of beer, the retail sale of related memorabilia, and a seating capacity not to exceed 250 people.

Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established. Agricultural activities has witnessed a decline over the years, most evidently with the closing of Hamakua Sugar Company. Ranching activities have also faced similar economic decline. Diversification of the island's economy has been sought as a buffer against the continual decline of the agricultural

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industry. The applicant wishes to utilize water from an existing on-site well for its brewing and water/soft drink operations. While not agriculture in the usual sense, the proposed use will utilize an on-site resource for economic purposes.

Approval of this request is subject to the following conditions:

1. The applicant, successors or assigns shall be responsible for complying with all of the stated conditions of approval.
2. The applicant, its successors or assigns shall indemnify and hold the County of Hawaii and owners of Slaughterhouse Road (TMK: 1-6-141:22) harmless from and against any loss, liability, claim or demand for the property damage, personal injury and death arising out of any act or omission of the applicant, its successors or assigns, officers, employees, contractors and agents under this permit or relating to or connected with the granting of this permit.
3. Consolidation and resubdivision of the subject properties shall be obtained prior to Final Plan Approval.
4. Final Plan Approval of the brewery and bottling facility shall be secured from the Planning Department. Plans shall identify existing and proposed structures, paved (concrete or asphalt-concrete) driveway and parking areas associated with the proposed use. Appropriate landscaping shall be provided for the purpose of mitigating any noise and visual impacts which may be generated by the facility.
5. Construction/renovation of the proposed brewery and bottling facility and related improvements shall be completed and a certificate of occupancy issued within five years from the effective date of this Special Permit.
6. Access to the subject property shall meet with the approval of the Department of Public Works. The applicant shall provide pavement improvements within the entire length of the roadway stub (TMK: 1-6-141: 24) in a manner meeting with the approval of the Department of Public Works, prior to the issuance of a certificate of occupancy for the proposed development.
7. The visitor destination center operations shall be limited to the hours from 7:00 a.m. to 6:30 p.m., daily.

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8. The visitor destination center shall be limited to demonstrations of beer manufacturing, beer sampling and the retail sale of related memorabilia. Seating capacity of the center shall not exceed 250 people.
9. The Planning Department shall reassess the visitor destination center operations for continued conformance against the original intent and purpose for granting the Special Permit three (3) years from date of issuance of a certificate of occupancy for the visitor destination center. As may be requested by the Planning Director, the applicant shall provide all available information necessary for the proper assessment of the visitor center operations, which shall include a detailed account of all complaints received by the applicant and its disposition, visitor counts, and other relevant information. Should the Director find the visitor destination center operation not within the original intent for granting the Special Permit, the matter shall be brought before the Planning Commission for reconsideration.
10. The applicant shall comply with applicable laws, rules and regulations of the affected agencies, including those of the Department of Health and the Department of Liquor Control.
11. Upon compliance with all conditions of approval, in conjunction with the application for a certificate of occupancy and prior to the opening of the brewery, the applicant shall submit a final status report, in writing, to the Planning Department.
12. An extension of time for the performance of conditions within the permit may be granted by the Planning Director upon the following circumstances: 1) the 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; and 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). Further, should any of the conditions not be met or substantially complied with in a

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timely fashion, the Director shall 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 feel free to contact Rodney
Nakano or Daryn Arai of the Planning Department at 961-8288.

Sincerely,



Donald L. Manalili, Chairman
Planning Commission

RKN:jdk
LHawai02.PC

xc: Honorable Stephen K. Yamashiro, Mayor
Planning Director
Mr. Ernest Matsumura
Department of Public Works
Department of Water Supply
County Real Property Tax Division
State Land Use Commission
Plan Approval Section
SPP 450