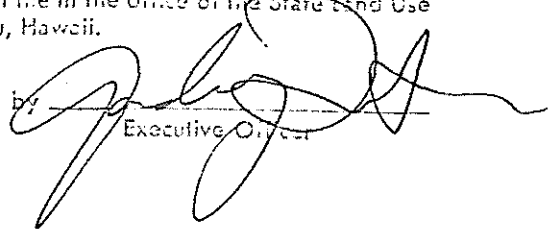


BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition) SP78-289
for Special Permit of Norman)
Greenwell/Roman Catholic) NORMAN GREENWELL/ROMAN
Diocese of Honolulu) CATHOLIC DIOCESE OF HONOLULU
_____)

This is to certify that this is a true and correct copy of the
Decision and Order on file in the office of the State Land Use
Commission, Honolulu, Hawaii.

4/19/78
Date

by 
Executive Officer

DECISION AND ORDER

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the) SP78-289
Petition for Special)
Permit of Norman) NORMAN GREENWELL/ROMAN
Greenwell/Roman Catholic) CATHOLIC DIOCESE OF HONOLULU
Diocese of Honolulu)
_____)

DECISION AND ORDER

FINDINGS OF FACT

This matter having come on for consideration on March 7, 1978, and the Land Use Commission having reviewed the decision and findings of the Hawaii County Planning Commission in regard to the Special Permit in question, makes the following findings of fact:

1. The Petition for Special Permit was filed by Norman L. Greenwell, the fee owner for the subject property, and the Roman Catholic Diocese of Honolulu.

2. The petitioned property consists of one (1) acre and is situated in the district of Onouli 1st, South Kona, Island of Hawaii, and is more specifically identified as Tax Map Key 8-1-5: portion of 24. Parcel 24 consists of approximately 74.680 acres.

3. The subject property is situated within the State Land Use Agricultural District.

4. Petitioner Greenwell proposes to convey the subject one (1) acre to the Roman Catholic Diocese. The Roman Catholic Diocese, in turn, proposes to construct a building for religious instruction on the subject property.

5. That Petitioner Greenwell must subdivide Parcel 24 so that the subject one (1) acre of land can be legally conveyed to the Roman Catholic Diocese.

6. That the Land Study Bureau's classification of the soil for the subject property is in the Honouaula Series with an overall master productivity soil rating for agricultural use as Class "B" or good.

CONCLUSIONS OF LAW

1. The standards for determining whether the special use requested by the subject petition should be granted are set forth in Section 205-4.5 of the Hawaii Revised Statutes.

2. That Section 205-4.5 of the Hawaii Revised Statutes prohibits the subdivision of property classified by the Land Study Bureau's Detailed Land Classification as Overall (Master) Productivity Rating Class A or B unless said use is specifically set forth in Section 205-4.5, HRS.

3. That the subject special permit is for a use not set forth under Section 205-4.5 of the Hawaii Revised Statutes.

4. That the subject property therefore cannot be subdivided as required and requested under the Petition.

ORDER

IT IS HEREBY ORDERED:

That Special Permit Number 78-289 relating to one (1) acre of land situated in the district of Onouli Ist, South Kona, Island of Hawaii, identified as Tax Map Key 8-1-5: portion of 24 is hereby denied.

DATED: Honolulu, Hawaii, this 13th day of April, 1978, per Motion on March 7, 1978.

LAND USE COMMISSION
STATE OF HAWAII

By *C. W. Duke*
C. W. DUKE
Vice Chairman and Commissioner

By *James R. Carras*
JAMES R. CARRAS
Commissioner

By *Shinsei Miyasato*
SHINSEI MIYASATO
Commissioner

By *Shinichi Nakagawa*
SHINICHI NAKAGAWA
Commissioner

By *Mitsuo Oura*
MITSUO OURA
Commissioner

By *Carol B. Whitesell*
CAROL B. WHITESELL
Commissioner

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_____)


CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use
Commission's Decision and Order was served upon the following
by certified mail:

SIDNEY FUCE, Planning Director
Hawaii Planning Department
County of Hawaii
25 Aupuni Street
Hilo, Hawaii 96720

ROBERT W. CARLSMITH
Carlsmith, Carlsmith, Wichman & Case
Attorneys at Law
P. O. Box 1720
Kailua-Kona, Hawaii 96740

Dated: Honolulu, Hawaii, this 19th day of April, 1978.



GORDAN Y. FURUTANI
Executive Officer
Land Use Commission