

October 5, 2009

**Roy A. Vitousek III**  
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BJ Leithead Todd, Planning Director  
 County of Hawaii  
 101 Pauahi Street, Suite 3  
 Hilo, Hawaii 96720

Re: Board of Appeals (BOA 09-000085); Appeal of Decision by  
 Planning Director dated August 19, 2009, Returning SMA Use  
 Permit Assessment Application (SAA 09-000474) for Construction  
 of Single-Family Residence and Driveway as "Incomplete"  
 Appellant: Roy A. Vitousek III  
 Applicant: Keith and Cynda Unger  
 Owners: McCandless Land & Cattle Company, LLC  
TMK Nos.: 8-6-014: 012 and 8-6-011: 003

2009 OCT -7 PM 3: 09  
 PLANNING DEPARTMENT  
 COUNTY OF HAWAII

Dear Ms. Leithead Todd:

Thank you for meeting with me relative to the above-captioned matter on Tuesday, September 29, 2009. It is my understanding that the outstanding issues relative to SMA 09-000474 have been resolved. Specifically:

1. the Planning Department will find that the proposed single-family residence on the kuleana identified as TMK 8-6-014: 012 is exempt from an SMA use permit under HRS ch. 205A and the County of Hawaii Planning Commission Rules, Rule 9, and that the proposed driveway servicing the proposed single-family residence is an accessory use of single-family residence which is also exempt from any SMA permit requirement;
2. the Planning Department will advise the National Resource Conservation Service, in writing, that the statement in the Department's July 7, 2009, letter to the effect that McCandless Ranch "has bulldozed historical sites in 2008" was not a correct statement and will advise NRCS that the Department had received allegations that McCandless Ranch had bulldozed historical sites in 2008, but that the Department has not completed an investigation or made any formal determination that McCandless Ranch had bulldozed historical sites or otherwise violated the law; and
3. the Planning Department will retract its statement that the Applicants, and presumably other kuleana owners at Kalahiki, are not entitled to use the "old road" for access to their kuleana without first obtaining permission from the Department

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**SCANNED**  
 OCT 08 2009  
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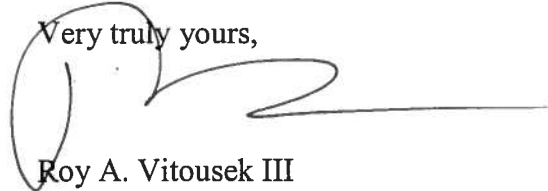
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of Land and Natural Resources, State Historic Preservation Division, and/or Na  
Ala Hele.

Once the Department has confirmed these elements in writing, the Appellants will  
withdraw their appeal in BOA 09-000085.

Again, thank you for taking the time to meet with me. If you have questions, please  
contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Roy A. Vitousek III", with a long horizontal flourish extending to the right.

Roy A. Vitousek III  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership

RAV/bah