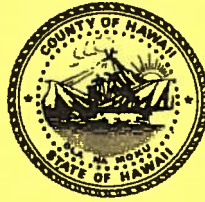


William P. Kenoi
Mayor



8-6-11:3
BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

West Hawai'i Office
74-5044 Ane Keohokalole Hwy
Kailua-Kona, Hawai'i 96740
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County of Hawai'i
PLANNING DEPARTMENT

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

April 30, 2012

Mr. Roy A. Vitousek III
CADES SCHUTTE LLLP
75-170 Hualalai Road, Suite B-303
Kailua-Kona, HI 96740

Dear Mr. Vitousek:

**SUBJECT: Special Management Area (SMA) Use Permit Assessment Application
(SAA 09-000490)
SMA Minor Permit (SMM 09-000130)
Applicant(s): Keith and Cynda Unger
Request: Time Extension for Condition Compliance
Project: Construct a Single-Family residence and Grade an Access Driveway
Tax Map Key(s): (3) 8-6-014:012 and (3) 8-6-011:003; Portion of Kealia 2nd to
Kalahiki, South Kona, Hawai'i**

We have reviewed the request for a time extension received on March 27, 2012 regarding the Special Management Area Use Permit Assessment Application (SAA 09-000490) and Special Management Area Minor Permit (SMM 09-000130). We understand that you are requesting a time extension to complete certain conditions of the subject SMA approvals due to the length of time required by the State Historic Preservation Division to review and approve the archeological monitoring plan and the unforeseen financial circumstances.

On October 21, 2009 our office determined (SAA 09-000490) that the proposed construction of a single-family dwelling was exempt from the definition of development and would not require further review against the SMA rules and regulations, subject to compliance with several conditions. Condition 3 of the determination stated: *The Building Permit for the proposed single-family dwelling shall be secured within two (2) years from the date of approval of this permit.*

Mr. Roy A. Vitousek III
CADES SCHUTTE LLLP
April 30, 2012
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In addition, on October 21, 2009 our office granted a SMA Minor Permit (SMM 09-000130) for the proposed grading of an access driveway to a neighboring parcel, subject to compliance with several conditions. Condition 3 of the SMA Minor Permit stated: *All activities related to the permit must be completed within two (2) years from the date of this permit.*

An extension of time for the performance of the conditions may be granted by the Planning Director provided that 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; granting of the time extension would not be contrary to the original reasons for the granting of the determination; and the time extension granted shall be for a period of not to exceed the period originally granted for performance.

We find that the request meets the above criteria for the granting of a time extension. Therefore, we will allow for a two-year time extension pertaining to Condition 3 of SAA 09-000490 for the time allowed to obtain a Building Permit. The Building Permit must be secured by **October 21, 2013**.

We will also allow for a two-year time extension pertaining to Condition 3 of SMM 09-000130 for the time allowed to complete the proposed grading of an access driveway. The grading must be completed by **October 21, 2013**.

However, please be aware that another request for a time extension for these conditions will be denied. As a reminder, the applicant, its successors or assigns shall be responsible for complying with all other stated conditions of approval in our October 21, 2009 determination letter.

Should you have questions, please contact Bethany Morrison of this office at 961-8138.

Sincerely,



for BJ LEITHEAD TODD
Planning Director

BJM:cs

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Mr. Roy A. Vitousek III
CADES SCHUTTE LLLP
April 30, 2012
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cc: McCandless Land and Cattle Company
P.O. Box 500
Honaunau, HI 96726

Long Range Planning
Planning- Kona Office

Mr. Samuel J. Lemmo, Administrator
State of Hawaii Department of Land and Natural Resources
Office of Conservation and Coastal Lands
P.O. Box 621
Honolulu, HI 96809