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Mayor Harry Kim
County of Hawaii
25 Aupuni Street
Hilo Hawaii 96720

Re: Parker Ranch Town Connector Road/Pending
Luala'i III Subdivision Application

Dear Mayor Kim:

Enclosed is a copy of my letter to the Trustees of Parker Ranch Foundation Trust concerning Parker Ranch's continuing avoidance of its obligation to construct the Town Center Road connector road, which was a key condition to receiving rezoning for the hundreds of acres in the town center. My point is that the County of Hawaii has yet to hold Parker Ranch to its obligation, and continues to accommodate Parker Ranch's renigging of this commitment to the Community of Waimea, including at the time of the recent Holoholoku development and now in the context of the Luala'i III development.

It is high time that Parker Ranch be required to construct the Town Center Road, at least from Mamalahoa Highway to Pukalani Road, in conjunction with development of its adjacent 218 unit Luala'i subdivisions (I, II, and now III), and its adjoining 92 unit Luala'i Planned Unit Development. Otherwise, the Director of Planning should deny Parker Ranch's request for final subdivision approval of its Luala'i III subdivision.

In the context of the pending Luala'i III subdivision application, I understand that your office is now "working with Parker Ranch" regarding its pending request to again delay its Town Center Road obligation, and concomitant request that the County instead pay for and build this road, with the possibility of repayment by Parker Ranch at some future and indefinite date, possibly decades from now. Why is Parker Ranch, in its capacity of a real estate developer, treated with such "kid gloves", as if "above" the subdivision laws and rules that apply to everyone else? Or perhaps this lax approach to enforcement of critical infrastructure obligations is more the norm than the exception in handling large developments by the Planning Department.

In the Hokulia case, Judge Ibarra found that the Planning Department was "accommodating" the developer's desire to avoid compliance with certain requirements "in dereliction to the County's explicit duty to enforce (the pertinent requirements)", and "deliberately collaborated" to avoid these requirements. Hokulia: conclusions of Law #24-#25. The current situation with Parker Ranch's avoidance of its Rezoning Ordinance road conditions, and the Planning Department's knowing dereliction of its responsibility to monitor compliance with those conditions, seems to be a repetition of the scenario exposed by the Court in Hokulia, and also observed in Leslie v. Board of Appeals and Chris Yuen, as Director of the Planning, and in Sierra Club v. State Planning Office. Based on the Planning Director's recently approved amendments to the Subdivision Code

(designed "to deal" with the Leslie decision by changing the law rather than the conduct that was found in violation of that law) and the current handling of the pending Parker Ranch Luala'i III subdivision application, my sense is that your administration just "doesn't get" the message that the Court has sought to communicate in those decisions.

I understand that, in the context of the County's connector road from Mamalahoa Highway to Kawaihae Road, the County is considering acquiring a corridor of land along Parker Ranch's boundary with the Lalamilo farm lots in order to accommodate the interests of those affected farm lot owners. That is all well and good. However, if somehow Parker Ranch is pitching that the possibility of selling some land to the County (at fair market value) can be used to coax the County into carrying out Parker Ranch's rezoning obligation to construct the Town Center Road, it will not pass the "you got to be kidding test" ---- as far as the Waimea community is concerned.

I know that you did not attend the June 1st Waimea Community Association meeting with the Parsons Brinkerhoff traffic consultants, and unbelievably, the press ignored the impassioned statements by residents concerning Parker Ranch's failure to abide by the Town Center Road commitment made to the Waimea Community back in 1992. Yet, as a representative of one of the local school's commented, "as of June 1st, the eyes of the Waimea Community are watching" how the County and Parker Ranch handle the Town Center Road obligation.

Recently in the press, there is reference to new road concurrency legislation. Yet if the County does not enforce the road obligations that are in place, what is the point of this legislation? Without meaningful enforcement, the law is a joke.

Likewise, why ask community members to participate in lengthy and difficult Community Development Plans, when, at the subdivision approval stage, even provisions of the General Plan that parrallel rezoning ordinance obligations are ignored or even proposed to be deleted, as was the case with Parker Ranch's requested deletion of its Town Center Connector Road obligation, as was proposed by the Planning Director?

I am continuing to collect petitions with signatures of residents around the County insisting that the County enforce Parker Ranch's Town Center Road obligation and that the County proceed expeditiously with its construction of the Mamalahoa Highway to Kawaihae Road connector road – and that the County use its funds for the County road, and not to pay for Parker Ranch's Town Center Road obligation. I will forward these petitions to you shortly. (I am hoping to first collect the petitions that are still out from Kawaihae, Waikoloa, and Honoka'a.)

Please hear the suffering of all of those whose lives are so adversely affected by the County's continuing accommodation of Parker Ranch's avoidance of its Town Center Road obligation and the County's similar failure to complete its connector road.

Sincerely,


Margaret Wille, a concerned resident of Waimea

cc: County Council members
Chris Yuen, Director of Planning