

August 21, 2018

Good Morning, my name is Julia Alos, I've resided on Hawaii Island since 1992, and a homeowner in Waikoloa Village, since 2001. My mailing address is PO Box 383595, Waikoloa, HI 96738.

I come before the LUC today to testify, on my own behalf, with regards to Docket A06-767, Waikoloa Mauka, LLC, Order to Show Cause.

I am an active community volunteer and chair, Waikoloa Community Leadership Council, am a member of Waikoloa Wildfire Management, and began my 4 year term, as an action committee member of the South Kohala Community Development Plan, and already served 2 years on the SKCDPAC. Finally I am member of a SKCDP AC subcommittee member. We began investigating the contentious and ongoing big community issue of the "Waikoloa Road - Paniolo Avenue - Pua Melia Intersection". Since early April, 2018 I have been reviewing documents relating to land owners/developers: Waikoloa Highlands, Inc., Waikoloa Mauka, LLC and Hawaiian Riverbend, LLC and numerous filings with Planning Department over decades old. I reached out to Police Chief Paul Ferreira, and HI County "Traffic Services" for traffic infractions/accidents/citations, data and began attending monthly South Kohala Traffic Safety Meetings in Waimea since then, to have Waikoloa Road intersection improvements on SKTSC as this intersection poses safety issues for both pedestrians and vehicles of all types.

Testifying today, again, as a "lay person" reviewing filings, correspondence and exhibits, etc. of all Waikoloa Village Land Owners/Developers, I deduce they are dizzying to deconstruct, and seemingly subversive, regarding the Successor Petitioning Waikoloa Highlands, Inc. Clearly though it has not diminished my resolve to get whomever bears the onus of improving this intersection be responsible based on their requirement set forth over ten years ago, in which a "roundabout" be built at (their) Waikoloa Highlands, Inc., Waikoloa Mauka, LLC and Hawaii Riverbend LLC's expense. I find, prepared for "Waikoloa Mauka, by Julian Ng of Julian Ng, Incorporated and entitled "TRAFFIC IMPACT ANALYSIS REPORT Waikoloa Highlands Subdivision, Waikoloa, South Kohala, Hawaii, as Exhibit "36" in a filing, dated January 2007. I would presume, since Daniel K Inouye/Saddle Road terminus to Mamalahoa Highway was completed and opened September 8, 2013, six years after the current, on file, TIAR and has had a huge impact on Waikoloa Road for the past five (5) years, most likely rendering the current TIAR useless. High volume of big, heavy commercial, construction and county trucks, in addition to Pohakuloa Military convoys which had always utilized Waikoloa Road as has local thru traffic of cars. All vehicles and trucks now traveling back and forth (east / west) for east side county residents commuting to the west, as well as commerce and county dump trucks, etc. Prior to DK1 opening thru onto Mamalahoa Highway, south east and mauka of Waikoloa Road, Waikoloa Road did not have this now enormous volume of traffic or the demands it now bears, effectively possibly doubling use of Waikoloa Road as the new gateway from the east to continue to or from Queen Ka'ahumanu Highway traffic to Kona/Kawaihae or Kohala Coast resorts.

Background:

In 1995, WDC obtained amendments to the Rezoning Ordinance through the enactment of Ordinance No. 95-51 which included requirements that final subdivision approval of not less than 175 lots be obtained within five (5) years and that certain traffic improvements to the intersection be made at various phases of the development. This was 17 years ago, then WDC obtained an administrative time extension to receive final subdivision approval until March 21, 2005 (12 years ago). On January 5, 2005, and 3 months prior to deadline, WDC requested an additional amendment to the Rezoning Ordinance to extend the deadline to receive final subdivision approval to March 21, 2015. So from 1995 - 2015 we

have 23 years passed and petitioner is now asking for 5 (by 2023) and 10 (2028) 33 years will have lapsed, effectively negating the onus of addressing a component Planning Department set forth decades ago for our Intersection Improvement.

The Planning Department issued Third Revised Tentative Subdivision approval 04/05/07, and 03/18/16 granted a second administration time extension until 03/13/18 within which to submit the final plat map and obtain Final Subdivision Approval (FSA) for not less than 50 lots, and until 03/13/23 for the remaining project. Petitioner is hopeful for favorable outcome from LUC proceeding on OSC and will apply to the county for a 5 year extension of time to obtain FSA for Phase 1, and a 10 year extension of time to obtain FSA for the remaining phase(s) of the project. The petitioner's requests for extensions leave the residents of Waikoloa Village and those traveling Waikoloa Road thru our intersecting Paniolo Avenue/Pua Melia Street and the infrastructure and safety improvements of a "Roundabout" up to possibly 2028, 10 years from now. The Petitioner's continual request for delays, etc. has Waikoloa Residents left with growing concerns for the safety of our pedestrians and drivers at this intersection due to these delays and I feel the LUC must consider and address the intersection issue immediately.

August 15, 2018 letter addressed to Daniel E. Orodener, Executive Director, State of Hawaii Land Use Commission, from Carlsmith Ball LLP, Steven S.C. Lim for "client";

Re: Combined 2017 and 2018 Annual Report - Docket No.: A06-767 Successor Petitioner: Waikoloa Highlands, Inc., To Amend the Agriculture Land Use District Boundaries into the Rural Land Use District for approximately 731.581 acres in South Kohala District, Island of Hawaii Tax Map Key No. (3) 6-8-002:016 (por.) beginning on page 1 of "State Land Use Docket No. 06-767 Successor Petition Waikoloa Highlands, Inc. (the "Petitioner") Combined 2017 and 2018 Condition Compliance Matrix, there is NOT ONE REFERENCE, from No. 1 - 24, as outlined, of any obligation for intersection/infrastructure improvement on "Waikoloa Road-Paniolo Avenue-Pua Melia Street" that was outlined in "Exhibit 2" Letter to Sidney M. Fuke, from Christopher Yuen, Planning Director, dated April 5, 2007, THIRD REVISED TENTATIVE APPROVAL, FIFTH REVISED PRELIMINARY PLAT MAP, SUBDIVIDER WAIKOLOA MAUKA, LLC, TMK: 6-8-002:016 (SUB-89-000179) conditions:

k) The intersection of Waikoloa Road-Pua Melia Street-Paniolo Avenue shall be channelized and signalized along with other improvements required by Condition C of Change of Zone Ordinance No. 05-157 and based on a current Traffic Impact Analysis report (TIAR) to be conducted by the subdivider.
6) Comply with all conditions of Change of Zone Ordinance No. 05-157 (REZ 678) and any amendments which may occur prior to receipt of final subdivision approval, particularly the following conditions that state in part:

"B. Final subdivision.....The applicant shall install and dedicate the traffic signalization improvements required in Condition C prior to the Final Subdivision Approval for more than 350 lots of 20 acres or less, or sooner in the event the warrants for such installation are justified by the director of public works.

"C. Access shall meet with the requirements of the Department of Public Works.....Waikoloa Road-Pua Melia Street-Paniolo Avenue intersection shall be channelized and signalized meeting with the requirements of the Department of Public Works. These improvements together with other improvements required by the Department of Public Works based upon the current Traffic Impact Analysis report shall be provided in conjunction with final subdivision approval of the first increment or as otherwise provided by Chapter 23 (Subdivision Control).

Also find in the above referenced letter dated August 15th, 2018 to LUC, Exhibit 4, "R. M. Towill Corporation Letter of Transmittal" regarding "Budgetary Estimates for both Queen Kaahumanu Highway and Waikoloa Road Intersection Improvements (dated 9/27/09) and Budgetary Estimates for Mamalahoa Highway and Waikoloa Road Intersection Improvements (dated 9/27/09), but of these

intersections improvements have been completed and satisfied, with neither at the expense of this petitioner.

Applicant: Hawaiian Riverbed Ordinance 13-28 TMK (3) 6-8-002:021 (por.) CHANGING DISTRICT CLASSIFICATION FROM AGRICULTURE FIVE ACRES (A-5a) to Village Commercial 20,000 sqft (CV-20) This lot is mauka (east) of Paniolo Avenue on Waikoloa Road corner across the street from Highlands Shopping Center. This Ordinance states:

APPLICANT (Hawaiian Riverbed) along with land owner of TMK: 6-8-002:016 and TMK 6-8-003-032 (ordinances dating back 1990, 1995, 2005, 2007, and 2013) "Shall construct the required roundabout improvement to the intersection of Waikoloa Road & Paniolo Avenue meeting with approval of the Department of Public Works. Any additional right-of-way for such improvements shall be subdivided from the subject property and dedicated at no cost to the county. The required improvements shall be completed, prior to the issuance of any certificate of occupancy for the subject property.

Ordinance 13-29 for Waikoloa Highlands, Inc. states applicant, successors or its assigns be responsible for complying with all of the stated conditions of approval.

B.) Final subdivision approval for not less than 50 lots, shall be secured within 5 years of this new amendment provided however that Final Subdivision Approval for the entire project shall be secured within 10 years of the effective date of this new amendment.

C.) Waikoloa Road-Pua Melia-Paniolo Avenue intersection shall be channelized and improved by a roundabout system meeting the requirements of Department of Public Works based upon a current Traffic Impact Analysis Report.

Therefore Ordinances: 13-29 and 13-29 effectively changed the requirement from channelized signal intersection to a Roundabout.

Furthermore, in same filing, Exhibit 5 December 7, 2016 to Sidney Fuke, from Neil S. Gytoku Housing Administrator Subject: Affordable Housing Agreement Waikoloa Highlands, whereby "The Developer shall subdivide and convey to Plumeria At Waikoloa, LLC, a Hawaii non-profit corporation, approximately 11.8+/- acres of land there is NO MENTION in "AGREEMENT" of any Waikoloa Road-Paniolo Avenue-Pua Melia Street infrastructure improvements for TMK: (3) 6-8-002:016, I'm unsure if this was an oversight and wanted to bring this to your attention.

Finally, I would hope the LUC weighs heavy on the Successor Petitioner: Waikoloa Highlands, Inc. to ensure that an immediate "Traffic Impact Analysis Report", and thereafter remediating measures, and "Construct the required Roundabout improvement, with a concise timeline with completion date and provide LUC and Planning with the intersection improvement projects' "Progress Reports" perhaps updating every 3 months, until completion and not allow this problem to be continually kicked down the road. Setting forth the successor petitioner with this condition and diligence would serve greatly as a measure of good faith to Waikoloa Village residents and a small penance for their decades of dormancy and disregard for previous ordinances, deadlines and filings to all parties as mandated.

In closing, myself and our fellow Waikoloa Village residents have waited many, many years for the petitioner, and the other Waikoloa developers, to begin construction on their properties and include their responsibilities as developers the County set forth for them. Requests for zoning changes from Ag to Residential, Ag to Commercial, etc., I would assume, the County of Hawaii is more than anxious to have this Successor Petitioner finally begin their project. The County would benefit in many ways; financially, from the real estate tax revenue expectations, to creating jobs, to ultimately making the intersection improvement they deem important for our community's safety, etc.

This big development project has been on the radar now for decades with not even a shovel touching the soil thus far. Waikoloa Highlands was to have 50 homes by March of 2018 with the balance of hundreds more within 5 years or by 2023. The infrastructure improvements outlined as diligence of this developer for the zoning they petitioned for long ago, continues to not be addressed and I am hopeful that LUC will be sure to include remedial steps to ensure our intersection is safe for our pedestrians and all vehicles traveling thru our community.