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LAND USE COMMISSION
STATE OF HAWAII

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PIILANI PROMENADE SOUTH, LLC and
PIILANI PROMENADE NORTH, LLC

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI'I

In the Matter of the Petition of	)	Docket No. A94-706
)	
KAONOULU RANCH to Amend the	)	PETITIONERS' MEMORANDUM IN
Agricultural Land Use District Boundary	)	OPPOSITION TO INTERVENORS'
into the Urban Land Use District for	)	MOTION TO CONDUCT PHASE II OF
Approximately 88 acres at Kaonoulu,	)	CONTESTED CASE PENDING SINCE
Makawao-Wailuku, Maui, Hawai'i; Tax	)	2012, AND FOR FINAL DECISION,
Map Key Nos. (2) 2-2-02: por. 15 and 3-9-	)	FILED DECEMBER 3, 2018;
01:16)	DECLARATION OF RANDALL F.
)	SAKUMOTO; EXHIBITS "1"- "3";
)	CERTIFICATE OF SERVICE
)	
_____)	

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EXHIBIT LIST

<u>Exhibits</u>	<u>Description</u>
<i>Exhibit "1"</i>	<i>Declaration of Darren T. Unemori</i>
Exhibit "A"	Letter dated October 18, 2003 from the County of Maui granting Preliminary Subdivision Approval re Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795
Exhibit "B"	Letter dated August 14, 2009 from the County of Maui granting Final Subdivision Approval re Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795 and Kaonolulu Ranch Water Tank Subdivision, Subdivision File No. 2.2995
Exhibit "C"	County-approved Final Subdivision Plat Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795
Exhibit "D"	County-approved Construction Plans Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795
Exhibit "E"	Email dated July 10, 2018 from the County of Maui granting a deadline extension re Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795 and Kaonolulu Ranch Water Tank Subdivision, Subdivision File No. 2.2995
Exhibit "F"	Letter dated October 16, 2006 from the County of Maui granting Preliminary Subdivision Approval re Kaonoulu Light Industrial, Subdivision File No. 3.2175
Exhibit "G"	Preliminary Subdivision Plat re Kaonoulu Light Industrial, Subdivision File No. 3.2175
Exhibit "H"	1994 Conceptual Development Plan Kaonoulu Industrial Park
Exhibit "I"	Letter dated September 11, 2018 from the County of Maui granting a time extension re Kaonoulu Light Industrial, Subdivision File No. 3.2175
<i>Exhibit "2"</i>	<i>Declaration of Kenneth F. Gift</i>
Exhibit "J"	2012 Purchase Orders for Construction Materials Goodfellow Bros., Inc.
<i>Exhibit "3"</i>	<i>Declaration of Robert D. Poynor</i>
Exhibit "K"	Assignment and Assumption of Agreement for Subdivision Approval, dated September 13, 2010
Exhibit "L"	Letter dated June 18, 2015 from the County of Maui confirming cash bond amounts re Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795 and Kaonolulu Ranch Water Tank Subdivision, Subdivision File No. 2.2995

**PETITIONERS' MEMORANDUM IN OPPOSITION TO INTERVENORS'
MOTION TO CONDUCT PHASE II OF CONTESTED CASE PENDING
SINCE 2012, AND FOR FINAL DECISION, FILED DECEMBER 3, 2018**

Petitioners PIILANI PROMENADE SOUTH, LLC and PIILANI PROMENADE NORTH, LLC (collectively, "Piilani"), successors-in-interest to KAONOULU RANCH, a Hawai'i limited partnership, with regard to the real property that is the subject matter of Docket No. A94-706, as referenced above, submit to the State of Hawai'i Land Use Commission (the "Commission") their Memorandum in Opposition to Intervenor's Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision.

I. BACKGROUND

A. Ownership of the Petition Area

Piilani owns six of the seven tax map key parcels (collectively, the "Piilani Parcels") encumbered by the Findings of Fact, Conclusions of Law, and Decision and Order issued by the Commission on February 10, 1995 in Docket No. A94-706 (the "D&O"). The Piilani Parcels are identified as tax map key parcels (2) 3-9-001:016 and :170-:174. The seventh parcel encumbered by the D&O is owned by Honua'ula Partners, LLC ("Honua'ula"), which has no affiliation with Piilani. Honua'ula owns tax map key parcel (2) 3-9-001:169, referred to herein as the "Honua'ula Parcel." The Honua'ula Parcel and the Piilani Parcels are collectively referred to as the "Petition Area."

B. Petition Area

The Petition Area is located within the State Land Use Urban District, and within the Urban growth boundary identified in the Maui Island Plan. The Petition Area is designated as LI Light Industrial under the Kihei-Makena Community Plan and is zoned within the M-1 Light Industrial district.

Lands located to the north, south, and west of the Petition Area are located in the State Land Use Urban District. Lands located north of the Petition Area include a commercial complex, which is within the State Land Use Urban District. This complex includes a self-storage facility, a gas station, and an automobile sales lot. Located south of the Petition Area is Kihei High School, which is also within the State Land Use Urban District. Lands located *makai* (west) of the Petition Area include the Kaonoulu Estates residential subdivision and the former Maui Lu Resort, which are within the State Land Use Urban District. Lands located *mauka* (east) of the Petition Area and extending up to Lower Kula are used for commercial ranching and are within the State Land Use Agricultural District.

C. Procedural History

On May 23, 2012, Maui Tomorrow Foundation, Inc., South Maui Citizens for Responsible Growth, and Daniel Kanahale (collectively, the “Intervenors”) filed a Motion for a Hearing, Issuance of Order to Show Cause, and Other Relief (the “Motion for Order to Show Cause”). In the Motion for Order to Show Cause, Intervenors contended in part that Piilani’s intended use of the Piilani Parcels for the development of a retail project (the “Retail Project”) violated Conditions 5, 15, and 17 of the D&O.

On September 10, 2012, the Commission granted Intervenors’ Motion for Order to Show Cause, issued the Order to Show Cause, and ordered that a show cause hearing be set for the entire Petition Area (the “Show Cause Hearing”). Pursuant to the Prehearing Order, entered on September 11, 2012, the Commission stated that it would “first consider whether [Piilani] and [Honua‘ula had] violated the applicable conditions of the [D&O]” (“Phase I”); and “should [the] Commission find that Piilani and/or Honua‘ula has failed to perform according to the conditions imposed or the representations or commitments made, [the] Commission will then determine whether reversion or other designation is the appropriate remedy” (“Phase II”).

On November 1, 2, 15, and 16, 2012, the Commission heard evidence and arguments in Phase I of the Show Cause Hearing. At a meeting on February 7, 2013, the Commission orally found that Piilani's and Honua'ula's proposed uses of the Petition Area would violate Conditions 5 and 15 of the D&O, and that Condition 17 had also been violated. No written order reflecting that oral decision was entered.

On April 18, 2013—because Piilani sought to amend the D&O to allow Piilani to develop a project different from the project originally presented to the Commission as part of the 1995 D&O proceedings—Piilani filed a Motion to Stay Phase II of the Order to Show Cause Proceeding (the “Motion to Stay”). In the Motion to Stay, Piilani requested a stay of the Phase II hearing so the Commission could consider Piilani's Motion for Order Amending the Findings of Fact, Conclusions of Law, and Decision and Order dated February 10, 1995 (the “Motion to Amend”). On June 27, 2013, the Commission granted the Motion to Stay, and ordered the Phase II hearing stayed on the conditions that Piilani file its Motion to Amend before December 31, 2013, and that no construction on the Petition Area occur during the stay. Piilani filed its Motion to Amend on December 31, 2013.

In connection with the mixed-use project contemplated by the Motion to Amend, which incorporated light industrial, business/commercial, and multi-family uses (the “Mixed Use Project”), Piilani prepared an environmental impact statement (“EIS”). In June 2017, Piilani submitted the final EIS to the Commission for processing in connection with its review of the Motion to Amend. After two days of public hearings, the Commission denied the acceptance of the final EIS prepared for the Mixed-Use Project on July 20, 2017.

In its July 5, 2018 status report to the Commission, Piilani advised that it and Honua'ula would develop the Petition Area in substantial compliance with the representations made to the

Commission during the D&O proceedings (the "Original Plan"). The Original Plan was to develop a 123-lot commercial and light industrial subdivision within the Petition Area. Piilani, along with Honua'ula, reaffirmed their intention to develop the Petition Area in substantial compliance with the Original Plan at the July 11, 2018 meeting of the Commission.

Following the non-acceptance of the EIS in July 2017, Piilani and Honua'ula met with their consultants to discuss the design and development of a plan substantially compliant with the Original Plan. In January 2018, Piilani retained Koa Partners, LLC ("Koa") to lead the approval, design, and development efforts, and to identify, reach out to and discuss with stakeholders, including the Intervenors and other interested community members, the development of the Petition Area in substantial compliance with the Original Plan.

As part of the outreach process, Koa arranged meetings with representatives from various subsections of the community, including the Intervenors, ancestral descendants of the Petition Area and surrounding region, and persons who testified in the July 2017 EIS hearing. In addition, Koa arranged for a large meeting and published the meeting time and date in The Maui News, inviting all members from the public to attend. During the year-long outreach process, Koa conducted more than two dozen meetings with the community, as well as numerous one-on-one meetings. Each meeting discussion was intended to solicit feedback on matters of interest to the community, with the ultimate goal of presenting a development concept which both substantially complies with the representations made to the Commission, and reflects input received during the outreach process. While Koa did not receive specific objections to the Original Plan, the Intervenors and other members of the public expressed an interest in seeing that the development incorporate concepts reflecting cultural sensitivity, more open space, and other types of uses (other than just light industrial).

Based on community input, Koa prepared a development plan that includes affordable and senior housing options, and preserved certain physical elements within the Petition Area, including an unnamed natural drainageway that transects the Petition Area in a northeast-to-southwest direction and certain archaeological sites. The development plan also included a celestial viewing area, and preserved vernal and autumnal equinox view planes.

After almost a year of discussions and meaningful progress toward a mutually acceptable development proposal compatible with the Original Plan, the Intervenor notified Piilani of their intent to end all further discussions with Koa. Shortly thereafter, on November 30, 2018, the Intervenor filed a Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision (the "Phase II Motion"). Piilani affirms that it will continue to proceed with a development proposal that is substantially compliant with the Original Plan, with accommodations to cultural areas based upon input from the community.

II. ANALYSIS

A. Phase II Cannot Begin Because Phase I Has Not Been and Cannot Be Completed

In the Phase II Motion, Intervenor acknowledges that Phase II may not be initiated until Phase I is completed, and accordingly request that the Commission issue findings of fact and conclusions of law as to the Phase I proceedings (the "Phase I Findings"). Intervenor's request may not be granted as a matter of law, because the Commission is not authorized to enter findings more than 365 days following the entry of an order to show cause. In addition, Intervenor's request to adopt Phase I Findings based on the parties' submittal of proposed findings of fact and conclusions of law is inequitable, as the procedural history and actions taken by the parties in the interim period have materially impacted the facts that served as a basis for the proposed Phase I Findings.

1. The Commission May Not Enter Findings of Fact More Than 365 Days After the Entry of an Order to Show Cause

The Commission entered the Order to Show Cause on September 10, 2012 and thereafter bifurcated the Show Cause Hearing into two phases: first, the Phase I evidentiary hearings to determine whether a violation had occurred, and second, if a violation was found, the Phase II hearings to determine whether reversion or other designation is the appropriate remedy.

The Order to Show Cause stated that the Commission “will conduct a hearing on this matter in accordance with the requirements of chapter 91, [Hawai‘i Revised Statutes (“HRS”)], and subchapters 7 and 9 of chapter 15-15, [Hawai‘i Administrative Rules (“HAR”)]. More specifically, the Commission “shall conduct a hearing on an order to show cause in accordance with the requirements of [title 15, chapter 15,] subchapter 7, where applicable” with “decisions and orders [to] be issued in accordance with subchapter 7 or subchapter 9.” Section 15-15-93 (c), (d), HAR.

Subchapter 7, HAR provides in relevant part that any decision must be rendered:

prior to a period of **not more than three hundred sixty-five days after the petition has been deemed a proper filing** by the commission or the executive officer, unless otherwise ordered by a court, or unless a time extension, not to exceed ninety days, is established by a two-thirds vote of the members of the commission, **the commission, by filing findings of fact and conclusions of law, shall act to approve the petition, deny the petition, or to modify the petition** by imposing conditions in accordance with subchapter 11. If the commission fails to act on the petition pursuant to Section 205-4(g), HRS, the petition shall be deemed approved, subject to the provisions of section 15-15-90(e).

Section 15-15-74(b), HAR (emphases added). The 365-day deadline to enter findings of fact and conclusions of law is mirrored in Section 205-4(g), HRS:

Within a period of **not more than three hundred sixty-five days after the proper filing of a petition**, unless otherwise ordered by a court, or unless a time extension, which shall not exceed ninety days, is established by a two-thirds vote of the members of the commission, **the commission, by filing findings of fact and conclusions of law, shall act to approve the petition, deny the petition, or to modify the petition** by imposing conditions necessary to uphold the intent and

spirit of this chapter or the policies and criteria established pursuant to Section 205-17 or to assure substantial compliance with representations made by the petitioner in seeking a boundary change.

(Emphases added). These 365-day timelines are mandatory and included to give certainty to land use proceedings and to avoid requests from being stalled indefinitely. Town v. Land Use Comm'n, 55 Haw. 538, 544, 524 P.2d 84, 88 (1974) (holding that time period under Section 205-4(b), HRS is mandatory and stating that interested parties to the hearing “should not be placed in a state of limbo at the discretion of the applicant or the [Commission], and the time limitations prescribed by [Section 205-4, HRS] and LUC Regulation 2.35 insures the protection of both the applicant and the adjoining landowners at both extremes”) (distinguished on other grounds).

In DW Aina Le‘a Development, LLC v. Bridge Aina Le‘a, LLC, 134 Hawai‘i 187, 339 P.3d 685 (2014), the Hawai‘i Supreme Court interpreted the Commission’s obligations in a contested reversion of land following the issuance of an order to show cause. Finding that the property owners had substantially commenced use of the land, the Hawai‘i Supreme Court held that the Commission was bound by the requirements of Section 205-4, HRS. In particular, the Hawai‘i Supreme Court specifically applied the 365-day period stated in Section 205-4(g), HRS to the resolution of the order to show cause, explaining that the Commission’s duty to resolve an order to show cause must be completed within “365 days after the initial [order to show cause] was issued.” Id. at 216, 339 P.3d at 714. The Hawai‘i Supreme Court found that the Commission’s rolling and continuing order to show cause proceedings failed to comply with the requirements of Section 205-4, HRS because the proceedings far exceeded the stated 365-day period, ultimately contributing to the resulting reversal of the Commission’s final order of reversion.

Instead of overturning the Commission's order on the basis that the Commission failed to comply with the 365-day requirement of Section 205-4, HRS, the Bridge Aina Le'a Court also analyzed whether the developers had substantially commenced use of the land. The factual circumstances in that case, namely that a reversion of the land actually occurred, may have led the Court to apply this two-step analysis.

Unlike Bridge Aina Le'a, the Commission has not yet reverted the Petition Area. Accordingly, analysis of whether substantial commencement of the use of the land has occurred is premature.¹ The statutory 365-day rule is the sole consideration of whether the Commission may enter findings of fact and conclusions of law on this matter and at this time. Adopting Phase I Findings, as sought by the Intervenors, would constitute a violation of Section 205-4, HRS and Section 15-15-93, HAR².

¹ Even assuming, *arguendo*, that the Bridge Aina Le'a two-step analysis is applicable, because Piilani has substantially commenced use of the Petition Area in accordance with the representations made to the Commission in 1995 as stated *infra*, the Commission is required to comply with the provisions of Section 205-4(g), HRS requiring adoption of findings of fact and conclusions of law within the 365-day period.

² A hearing on an order to show cause must comply with subchapter 7 "**where applicable.**" Section 15-15-93(c), HAR (emphasis added). Although Section 15-15-74(b), HAR automatically deems a petition for district boundary amendments approved "[i]f the commission fails to act on the petition pursuant to Section 205-4(g)[, HRS]," this is specific to petitions for boundary amendment and not an order to show cause. This is evidenced by the legislative history of the enabling statute for this provision, Section 91-13.5, HRS, which requires state and county agencies to adopt rules specifying a maximum time period for granting or denying a business or development-related permit, and was intended to address concerns about the "lengthy and indeterminate time required for business and development-related regulatory approvals[.]" 1998 Haw. Sess. Laws Act 164, § 2 at 613. An order to show cause is not a business or development-related regulatory approval. The literal application of the automatic approval provision is therefore inconsistent with the policies of Section 91-13.5, HRS. The legislative history indicates a clear intent to apply this provision to business and development-related permit approvals; stripping this provision of its stated purpose is inconsistent with the reason and spirit of the law. Further, it is unclear what it would mean to "approve" of an evidentiary hearing, and thus literal application of the provision produces an absurd result.

In conclusion, the 365-day deadline stated in Section 15-15-74(b), HAR, applies to the resolution of the Order to Show Cause. Here, the Commission issued the Order to Show Cause on September 10, 2012. Therefore, the Commission had a duty to file its Phase I Findings by September 10, 2013. To this end, following the Phase I evidentiary hearings, Piilani timely submitted its proposed Findings of Fact and Conclusions of Law and Decision and Order on December 21, 2012, and the County of Maui Department of Planning filed its joinder to Piilani's proposed findings on December 21, 2012. The State of Hawai'i Office of Planning also submitted their Proposed Findings of Fact, Conclusions of Law, and Decision and Order on Petitioners' Failure to Perform According to Conditions Imposed on the Petition on December 21, 2012, and the Intervenors submitted their Proposed Findings of Fact for Phase One on December 24, 2012. To date, however, and without any further action or explanation, the Commission has never issued its own required Phase I Findings.

The conclusion that the Phase I Findings are untimely is not altered by the Motion to Stay filed by Piilani on April 18, 2013. The Motion to Stay addressed and pertained to the Phase II proceedings only. Piilani did not request that the Commission delay, extend, or toll any action as to the Phase I Findings.

Entering the Phase I Findings more than 365 days after the issuance of the Order to Show Cause is a violation of Section 15-15-74(b), HAR. Because the 365-day period has lapsed, the Commission lacks authority to enter the Phase I Findings. Accordingly, Intervenors' request that the Commission adopt the Phase I Findings cannot be granted by the Commission as a matter of law. Phase II Motion at 3.

2. The Commission May Not Enter Phase I Findings Based on the Proposed Findings of Fact and Conclusions of Law Submitted by the Parties in 2013

The Intervenors request that the Commission “adopt findings of fact and conclusions of law with respect to Phase I of the contested case based on the previous submissions of the parties.” Phase II Motion at 19. Following the completion of the Phase I evidentiary hearings, each of Piilani, Intervenors, and the State of Hawai‘i Office of Planning submitted proposed Phase I Findings (the “Proposed Phase I Findings”). Each of the Proposed Phase I Findings only include findings as of December 2012.

As noted *supra*, Piilani has taken many actions since December 2012, including filing the Motion to Amend, preparing an EIS, and preparing a development proposal that is substantially compliant with the Original Plan. None of the Proposed Phase I Findings speak to these actions, which actions are well documented and appear on the Commission’s docket. Thus, all of the Proposed Phase I Findings now contain incorrect findings of fact and conclusions of law. For example, each of the Proposed Phase I Findings state that Piilani will develop the Retail Project,³ even though, as represented in its July 5, 2018 status report to the Commission, Piilani represented that it would develop the Piilani Parcels in substantial compliance with Original Plan. This is just one example of how each of the Proposed Phase I Findings incorrectly state a material fact.

Findings “must be sufficient to allow the reviewing court to track the steps by which the agency reached its decision.” Kilauea Neighborhood Ass’n v. Land Use Comm’n, 7 Haw. App. 227, 230, 751 P.2d 1031, 1034 (1988). Each of the Proposed Phase I Findings are replete with

³ See State of Hawai‘i Office of Planning’s Proposed Findings of Fact, Conclusions of Law, and Decision and Order on Petitioners’ Failure to Perform According to Conditions Imposed on the Petition, Finding of Fact ¶ 16; the Intervenors’ Proposed Findings of Fact for Phase One, Finding of Fact ¶ 13; Piilani’s Findings of Fact and Conclusions of Law and Decision and Order, Finding of Fact ¶ 19.

factual inaccuracies due to the different state of events since 2012, and material steps such as the filing of the Motion to Amend are not reflected. Entering Phase I Findings based on the Proposed Phase I Findings would be clear error and contrary to substantial evidence on the record.

B. Because the Commission Cannot Enter the Phase I Findings, the Commission Cannot Issue a Final Decision on the Contested Case

The Order to Show Cause states that hearings on the matter will be subject to the requirements of chapter 91, HRS. Intervenors argue that chapter 91, HRS requires finality of a contested case within a reasonable period of time, and request that the Commission “issue a final decision on all remaining issues.” Phase II Motion at 14.

Piilani does not contest that chapter 91, HRS requires that an agency overseeing the contested case issue a final decision within a reasonable time. Section 91-12, HRS provides that the agency overseeing the contested case “shall notify the parties to the proceeding by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions **within a reasonable time** to each party or to the party’s attorney of record.” (Emphasis added).

Intervenors argue that the “evidence has been received” by the Commission, and cite Outdoor Circle v. Harold K.L. Castle Trust Estate, 4 Haw. App. 633, 675 P.2d 784 (1983), to support their argument that the Commission must issue a final decision on the contested case. Phase II Motion at 14. In Outdoor Circle, the Commission adopted final versions of the findings of fact at an open meeting, and thereafter issued a final decision on the contested case. 4 Haw. App. at 641-42, 675 P.2d at 791.

Here, and unlike in Outdoor Circle, the Commission did not orally accept and adopt any of the proposed Phase I Findings submitted by the parties at one of its hearings, nor did it issue a ruling thereon. By their own admission, Intervenors acknowledge that “the Commission did not

adopt the [Phase I Findings] at [its February 7, 2013 hearing].” Phase II Motion at 16.

As stated *supra*, pursuant to Section 15-15-74(b), HAR, the Commission is procedurally barred from entering Phase I Findings. In addition, for the reasons stated *supra*, the Commission cannot enter the Phase I Findings. Without the Phase I Findings, the Commission cannot issue a decision and order in compliance with chapter 91, HRS. HRS § 91-12. Accordingly, the Intervenor’s request for “finality of this contested case” cannot be granted.

C. Piilani Substantially Commenced Use of the Petition Area

1. Piilani’s Investments in Planning, Studies, and Infrastructure Constitute Substantial Commencement of Use of the Land

The Hawai‘i Supreme Court has held that the Commission may revert a property to its former land use classification or be changed to a more appropriate classification without following the process set forth in Section 205-4, HRS only in the absence of “**substantial commencement of use of the land.**” Bridge Aina Le‘a, 134 Hawai‘i at 213, 339 P.3d at 711 (emphasis added) (citing Section 205-4(g), HRS (“The commission may provide by condition that absent substantial commencement of use of the land in accordance with such representations, the commission shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use classification or be changed to a more appropriate classification.”)). Here, Piilani has substantially commenced use of the land, and the Commission cannot revert the Petition Area except in accordance with Section 205-4, HRS.

Section 205-4(g), HRS does not define “substantial commencement.” Citing to Black’s Law Dictionary, the Hawai‘i Supreme Court, explained that “substantial” is “considerable in amount or value; large in volume or number.” Id. at 213-14, 339 P.3d at 711-12. The Court

emphasized that the legislature “did not require that the use be substantially **completed**, but rather that it be substantially **commenced**.” Id. at 214, 339 P.3d at 712.

In analyzing whether the developers in Bridge Aina Le‘a substantially commenced **use** of the land, the Court considered the developers’ preparation of plans and studies, as well as work on infrastructure. For example, the Court specifically noted that the developers had “continued to actively proceed with **preparation of plans and studies**, including building plans and studies for the EIS” and “continued work on infrastructure.” Id. (emphasis added). The Court recognized that “more than \$20,000,000.00 had been expended for plans and construction work on the project” and explained that the developers’ investment was “a considerable amount of money and effort, by any reasonable measure.” Id. Accordingly, the Court held that the developers substantially commenced use of the land. Id.

Thus, actions taken in the preparation of plans and studies and expenditures to advance a project’s infrastructure and to comply with the conditions imposed by the Commission constitute “use” of the land. Intervenors argue that “construction activity,” particularly grading work, is required to show “substantial commencement of use.” Phase II Motion at 4, 10 (citing Motion to Stay at 4, 5). However, as explained in Bridge Aina Le‘a, even if a developer’s actions do not involve ground-disturbing activity or vertical construction, pre-development work such as preparation of plans and studies will nonetheless be considered in any determination of “substantial commencement of use of the land.”

The legislative history of Section 205-4(g), HRS further supports this conclusion. Specifically, the “substantial commencement” language was added “to empower the [Commission] to address a particular situation, namely, where the landowner does not develop the property in a timely manner.” Bridge Aina Le‘a, 134 Hawai‘i at 211, 339 P.3d at 709. As

the Senate Committee on Energy and Natural Resources specifically noted: “[v]acant land with the appropriate state and county land use designation is often subjected to undesirable private land speculation and uncertain development schedules[,]” and that “[s]uch speculation and untimely development inflates the value of land, increases development costs, and frustrates federal, state, county, and private coordination of planning efforts, adequate funding, public services, and facilities.” Id. at 211-12, 339 P.3d at 709-10 (citing S. Stand. Comm. Rep. No. 2116, in 1990 S. Journal, at 915).

As reflected by this history, the purpose of Section 205-4(g), HRS is to discourage landowners from holding land undeveloped for speculative purposes and to encourage timely development. Non-ground disturbing activities, such as preparation of plans and studies as noted in Bridge Aina Le‘a, are a necessary part of the development timetable. Therefore, a developer’s investment in the land—whether such an investment is in the planning stage or has advanced to vertical construction—is evidence that the developer commenced use of the land. Vertical construction and ground-disturbing activities are not the sole means to demonstrate that land is timely developed. To the extent that the activities and the investment are substantial, the developer has engaged in substantial commencement of use of the land, and has demonstrated that they are not engaging in private land speculation or delay.

2. Piilani Substantially Commenced Use of the Land

Piilani has undertaken considerable effort and incurred great expense to develop the Piilani Parcels in substantial compliance with the representations made to the Commission. Intervenor improperly characterize the activities that occurred on the Piilani Parcels as only applicable to the Mixed-Use Project and not relevant to the commencement of the Original Plan.⁴

⁴ Intervenor contend that Piilani is judicially estopped from arguing that it has substantially commenced the Original Plan. Phase II Motion at 18-19. The doctrine of judicial

Phase II Motion at 18. In fact, Piilani, as well as prior landowners, have engaged in substantial work to develop the Petition Area in substantial compliance with the Original Plan and have expended significant sums in this effort.

Of significance, the prior landowner obtained final approval of its large lot subdivision application on August 14, 2009 subject to certain bond obligations. Exhibit “B.” **The subdivision application created four large lots, which are compatible with the original 1994 light industrial subdivision concept plan.** Unemori Declaration ¶ 14; Exhibits “C,” “D,” and “H.” To complete the final subdivision approval process, as required by the County of Maui Department of Public Works’ Development Services Administration, Piilani deposited \$22,058,826.00 in cash to fund civil infrastructure improvements to support implementation of the Original Plan. Exhibits “B,” “K,” & “L.” The improvements include:

- Sitework Improvements - \$1,256,710.00
- East Kaonoulu Street Improvements - \$2,299,046.00

estoppel prevents parties from arguing inconsistent or mutually exclusive positions. Roxas v. Marcos, 89 Hawai’i 91, 124, 969 P.2d 1209, 1242 (1998). “Judicial estoppel is a concept **to be applied with restraint in egregious cases** only and with clear regard for the facts of the particular case.” 28 Am. Jur. 2d Estoppel and Waiver § 68 (2018) (emphasis added). While there is no set formula or test, there are certain factors that inform the decision whether to apply the doctrine, including that “a party’s later position must be clearly inconsistent with its earlier position.” New Hampshire v. Maine, 532 U.S. 742, 750-51 (2001) (citations and quotation marks omitted).

Piilani’s current position is consistent with its earlier position. Intervenors’ argument appears to be based on certain statements in Piilani’s Motion to Stay that “no significant grading or construction has occurred” or would occur during the stay. Phase II Motion at 4, 10 (citing Motion to Stay at 4). As discussed above, grading or construction is not synonymous with “use of the land,” and Piilani has shown that it substantially commenced use of the Piilani Parcels through its efforts and expenditure of funds to fulfill bond obligations for improvements and infrastructure (discussed *infra*), as well as to fund plans and studies. Accordingly, judicial estoppel does not bar Piilani from asserting that it has substantially commenced use of the Piilani Parcels in accordance with the Original Plan.

- Piilani Highway Widening Improvements - \$1,411,106.00
- Access Road and Swales - \$1,771,330.00
- Sewer System/Revisions - \$712,592.00
- Storm Drainage System/Revisions - \$2,895,052.00
- Onsite Water System - \$834,700.00
- 12" Offsite Water/IMG Water Tank - \$4,802,784.00
- 36" Water Main/Water/Misc. Revisions - \$2,444,940.00
- Electrical - \$885,566.00
- Traffic Signal Improvements - \$643,000.00
- Landscape/Irrigation - \$1,202,000.00
- CRM Walls - \$900,000.00

Exhibit "B." Approximately \$1,900,000.00 of the cash bond has been released to purchase materials, which have been located upon the Piilani Parcels since 2012, and remain located on the site as of this date, waiting to be utilized. Declaration of Kenneth F. Gift at ¶ 9. The County of Maui continues to hold the remaining \$20,150,000.00 as a bond for the improvements and infrastructure required by the subdivision approval. Exhibit "L."

In 2012, Piilani contracted with Goodfellow Bros., Inc. for onsite and offsite construction work. At that time, Goodfellow Bros., Inc. purchased materials on behalf of Piilani to proceed with the offsite construction. Exhibit "J." In total, Piilani has spent \$3,418,822.01 on construction materials. Declaration of Kenneth F. Gift at ¶ 10. More than \$880,000.00 has been spent on labor and construction costs to clear the Piilani Parcels, to erect fencing around the perimeter, and to mobilize for the installation of necessary infrastructure and other startup costs. Declaration of Kenneth F. Gift at ¶ 11. Approximately 5 acres of the Piilani Parcels were cleared

by stripping away brush, grass, and top soil. Declaration of Ken Gift at ¶ 9.

Additionally, Piilani has expended more than \$387,000.00 on engineering and surveying work on the Piilani Parcels. Unemori Declaration ¶¶ 17, 20. Although the majority of that work was performed in connection with certain aspects of the Mixed-Use Project, approximately \$85,000 of the work performed is also necessary to the development of the Original Plan, as set forth in the 1994 Conceptual Development Plan, including the subdivision of the MECO substation site, design of the irrigation well pumping station, studies of development lot grading alternatives, research into the existing infrastructure, and the evaluation of new infrastructure needed to support commercial and light industrial land uses. Unemori Declaration ¶¶ 18, 20; Exhibit “H.”

In total, Piilani has invested more than \$22,000,000.00 in support of development of the Piilani Parcels and implementation of a proposal in substantial compliance with the Original Plan. Using Bridge Aina Le‘a as a benchmark, Piilani’s expenditures exceed those made by the developers in Bridge Aina Le‘a by at least \$2,000,000.00. The use of the Piilani Parcels is evidenced by Piilani’s expenditures to prepare plans and studies, to advance the project’s infrastructure, and to comply with the conditions imposed by the Commission. These expenditures and the related commitment of time and other resources are indicators of substantial commencement of use of the land and demonstrate that Piilani has not “sat on the land for speculative purposes.”

This is in contrast to the petitioners in Docket No. A06-767 (Waikoloa Mauka, LLC), who made most of their efforts to develop the project prior to the grant of the 2008 Decision and Order approving of the petition to reclassify the land from the State Land Use Agricultural District to State Land Use Rural District, and thereafter performed minimal work on only one of

the 2008 Decision and Order conditions until the issuance of an order to show cause. Piilani has thus demonstrated a commitment to timely development of the Petition Area, which is in accordance with and reflects the underlying purpose and spirit of Section 205-4(g), HRS.

Moreover, the use of the Petition Area in accordance with the representations made to the Commission substantially commenced even before Piilani acquired title. The prior landowners secured additional entitlements and governmental approvals to develop the Petition Area in accordance with the representations made to the Commission:

- The original petitioner, Kaonoulu Ranch, obtained an amendment to the Kihei Makena Community Plan designating the Petition Area as Light Industrial on March 20, 1998.
- Kaonoulu Ranch obtained approval of its Change in Zoning application for Light Industrial by the Maui County Council, which became effective on May 25, 1999.
- Maui Industrial Partners—the landowner prior to Piilani—invested more than \$408,000.00 in the use of the Petition Area under the Original Plan. Unemori Declaration ¶ 7.

Warren S. Unemori Engineering, Inc. (“WSUE”) completed the following work for Maui Industrial Partners:

- Preparation and processing of maps and application to subdivide the Petition Area into four large lots and associated roadway lots.
- Design and process construction permits for major infrastructure improvements needed to provide access and utility services to the four large lots, including:
 - Roadway improvements;
 - Potable water system improvements, including a new 1.0 MG water storage tank and pipelines;
 - Relocation of the existing 36-inch diameter County of Maui water transmission main into Kaonoulu Street;
 - Storm drainage improvements;
 - Sanitary sewer improvements; and
 - Electrical system improvements.
- Preparation and processing of preliminary plat and application to subdivide two of the four large lots into 56 light industrial lots.

Unemori Declaration ¶ 7. Additionally, Maui Industrial Partners obtained preliminary subdivision approval on October 16, 2006 for a 56-lot light industrial subdivision that is compatible with the Original Plan's 1994 Kaonoulu Conceptual Plan. Unemori Declaration ¶ 12; Exhibits "F" & "G." This subdivision application is pending the filing of the final plat with the County of Maui. Exhibits "F" & "I."

As the Hawai'i Supreme Court has stated: "a determination of whether a party has substantially commenced use of the land will turn on the circumstances of each case, not on a dollar amount or percentage of work completed." Bridge Aina Le'a, 134 Hawai'i at 214 n.16, 339 P.3d at 712 n.16. In this case, Piilani alone has spent more than \$22,000,000.00 in its effort to develop the Piilani Parcels in substantial compliance with the Original Plan. Given that the \$22,000,000.00 cash bond held by the County of Maui represents a good faith estimate of the cost to complete the needed infrastructure and improvements for the Original Plan, Piilani has demonstrated that it has expended more than 100% of the costs necessary for construction of the Original Plan's infrastructure. Taken collectively, the aforementioned activities and expenses constitute substantial commencement of use of the land.

3. The D&O Did Not Include a Condition Regarding Substantial Commencement

Piilani has substantially commenced use of the land in accordance with the representations made to the Commission. However, the Commission has not reserved its right to revert the property in accordance with Section 205-4(g), HRS as this section specifically states that the "commission **may provide by condition.**" (Emphasis added). Similarly, the Commission's rules also require that the Commission impose a condition on the property to revert the land use classification on the basis that the petitioner has failed to substantially commence use of the land:

The commission **may provide by condition** that absent substantial commencement of use of the subject property or substantial progress in developing the land receiving the boundary amendment in accordance with representations and commitments made by the petitioner to the commission, the commission shall issue and serve upon the party bound by the condition an order to show cause why the property should not revert to its former land use district classification or be changed to a more appropriate land use district classification.

Section 15-15-79(b), HAR (emphasis added). Notwithstanding the clear statutory authority to do so, the Commission did not include a condition in the D&O reserving the right to revert the Petition Area for failure of the petitioner to substantially commence use of the land.

The D&O contains a condition that “Petitioner shall develop the Property in **substantial compliance** with the representations made to the Commission” and “Failure to so develop the Property may result in reversion of the Property to its former classification.” D&O at 30 (Condition 15) (emphasis added). However, the D&O does not contain any condition that the petitioner’s failure to substantially commence use of the Petition Area may result in reversion.

In comparison, the Decision and Order in Docket No. A06-767 (Waikoloa Mauka, LLC) set a time period for the completion of the project and stated that if the petitioner failed to complete the project, the Commission may file an order to show cause and require the petitioner explain why the property should not revert. No similar condition is included in the D&O.

In addition to the plain language of Section 205-4(g), HRS, the legislative history demonstrates that the Commission must impose a condition on a boundary amendment in order to subsequently revert the property absent substantial commencement of use of the land. As the Senate Committee on Energy and Natural Resources stated in its report, the relevant portion of Section 205-4(g) was added “to allow the [] Commission to **attach a condition** to a boundary amendment decision which would void the boundary amendment when substantial commencement of the approved land use activity does not occur in accordance with

representations made by the petitioner.” S. Stand. Comm. Rep. No. 2116, in 1990 S. Journal, at 915 (emphasis added).

In its 1990 testimony in favor of the proposed amendment, the Commission endorsed this requirement: “[T]he proposed amendment will clarify the Commission’s authority to **impose a specific condition** to downzone property in the event that the Petitioner does not develop the property in a timely manner.” Letter from Land Use Comm’n, to S. Comm. on Energy & Natural Res. (Feb. 7, 1990) (on file with the Hawai‘i State Archives) (emphasis added); Letter from Land Use Comm’n, to H. Comm. on Planning, Energy & Env’tl. Protection (Mar. 8, 1990) (on file with the Hawai‘i State Archives) (emphasis added).

Without the imposition of such a condition, the Commission holds little enforcement power. Bridge Aina Le‘a, 134 Hawai‘i at 211, 339 P.3d at 709 (explaining the one exception to the general rule that the Commission holds no enforcement power is Section 205-4(g)). Rather, “looking to the express language of Section 205-12, HRS, it is clear and unambiguous that enforcement power resides with the appropriate officer or agency charged with the administration of county zoning laws, namely the counties, and not the [Commission].” Lanai Co. v. Land Use Comm’n, 105 Hawai‘i 296, 318, 97 P.3d 372, 394 (2004). The Commission is empowered “**to use conditions as needed** to (1) ‘uphold the intent and spirit’ of HRS chapter 205, (2) uphold ‘the policies and criteria established pursuant to Section 205–17,’ and (3) to ‘assure substantial compliance with representations made by petitioner in seeking a boundary change.’” Id. at 317, 97 P.3d at 393 (citation omitted) (emphasis added). But, again, the Commission must specifically impose the condition to retain its right to revert.

Where, as here, the 1995 Commission did not include a condition regarding substantial commencement, it has no authority to revert the land use classification of the Petition Area.

Accordingly, because the aforesaid substantial commencement condition was omitted from the D&O, the Commission has no authority to revert the land use classification of the Petition Area.

D. Piilani Has Demonstrated Good Cause Why the Petition Area Should Not Revert to Its Former Classification or Be Changed to a More Appropriate Classification

If, assuming *arguendo*, the Commission determines that it was not required to include a condition as to substantial commencement in the D&O and that Piilani has not substantially commenced use of the land, Piilani has nonetheless demonstrated good cause why the Petition Area should not revert to its former classification or be changed to a more appropriate classification for three main reasons.

First, Piilani is in compliance with all conditions of the D&O. Previously, in 2012, the Commission orally determined that Piilani had failed or would fail, to meet three conditions of the D&O: (1) filing of annual reports; (2) completing a frontage road; and (3) substantially complying with representations made to the Commission. Piilani has since become current on the annual report filings, and is committed to working with the State of Hawai'i Department of Transportation to complete a frontage road parallel to Piilani Highway or otherwise incorporate within the design of the Piilani Parcels something substantially compliant with the requirement to complete a frontage road, as reviewed and approved by the State of Hawai'i Department of Transportation and the County of Maui Department of Transportation. Piilani has also informed the Commission that it will develop the Petition Area in substantial compliance with the Original Plan, and therefore the development will be completed in substantial compliance with the representations made to the Commission.

Given that Piilani is in compliance with all of the conditions of the D&O, it is unlike other projects that the Commission has recently reverted. In Docket No. A05-755 (Hale Mua Properties, LLC), the petitioner stipulated that it was not in compliance with a number of

conditions of the Decision and Order and voluntarily submitted to the reversion. In Docket No. A06-767 (Waikoloa Mauka, LLC), the only other contested reversion since Bridge Aina Le'a, the Commission determined that the petitioner violated certain conditions of the Decision and Order and did not substantially commence use of the land. Unlike these projects, Piilani has complied with all conditions of the D&O, has undertaken significant development efforts, and expended substantial sums in accordance with the Original Plan.

Second, Piilani, through Koa, devoted substantial resources—money, time, and effort—towards developing the Piilani Parcels in a manner that meaningfully addresses the input of Intervenor, lineal descendants, and other community members, including developing the Original Plan in a manner that is culturally sensitive and appropriate.

Third, Piilani has demonstrated its financial capacity to undertake development of the Piilani Parcels to completion. Piilani has deposited more than \$22,000,000.00 in cash to secure the development of infrastructure improvements to support the Original Plan and expended additional funds to commission plans and studies. Curbing the lost opportunity costs sustained by Piilani based on these currently unavailable cash funds are a clear motivating factor for Piilani to complete development expeditiously.

The record reflects a consistent effort by Piilani and its predecessors-in-interest to timely develop the Petition Area. Together with Piilani's representations to continue development of the Piilani Parcels in substantial compliance with the Original Plan, Piilani has demonstrated good cause that the Petition Area should not revert to its former classification.

III. CONCLUSION

For the foregoing reasons, Piilani requests that the Commission deny Intervenors' Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision, filed December 3, 2018.

DATED: Honolulu, Hawai'i, January 10, 2019.



RANDALL F. SAKUMOTO
LISA W. CATALDO
CATHERINE A. TASCHNER

Attorneys for PIILANI PROMENADE
SOUTH, LLC and PIILANI PROMENADE
NORTH, LLC

Unemori. I understand that the original is being mailed to my office and I intend to file the original with the Land Use Commission of the State of Hawai‘i (the “Commission”) upon our receipt of the document.

6 Submitted herewith as Exhibit “2” is the Declaration of Kenneth F. Gift, Divisional Engineer of Goodfellow Bros., Inc., which contains an electronic signature of Mr. Gift. I understand that the original is being mailed to my office and I intend to file the original with the Commission upon our receipt of the document.

7. Submitted herewith as Exhibit “4” is the Declaration of Robert D. Poynor, Vice President of Sarofim Realty Advisors, which contains an electronic signature of Mr. Poynor. I understand that the original is being mailed to my office and I intend to file the original with the Commission upon our receipt of the document.

I, RANDALL F. SAKUMOTO, declare under penalty of law that the foregoing is true and correct.

Executed this 10th day of January, 2019, at Honolulu, Hawai‘i.


RANDALL F. SAKUMOTO

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAI‘I

In the Matter of the Petition of	)	Docket No. A94-706
)	
KAONOULU RANCH to Amend the	)	DECLARATION OF
Agricultural Land Use District Boundary	)	DARREN T. UNEMORI; EXHIBITS
into the Urban Land Use District for	)	“A”-“I”
Approximately 88 acres at Kaonoulu,)	
Makawao-Wailuku, Maui, Hawai‘i; Tax)	
Map Key Nos. (2) 2-2-02: por. 15 and)	
3-9-01:16)	
_____)	

DECLARATION OF DARREN T. UNEMORI

I, DARREN T. UNEMORI, hereby declare that:

1. I am the Vice President of Warren S. Unemori Engineering, Inc. (“WSUE”) and am a civil engineer licensed in the State of Hawai‘i since 1993.
2. This declaration is submitted in reference to the above-captioned case.
3. Unless otherwise indicated, all statements made herein are based on personal knowledge.
4. I am an individual over eighteen (18) years of age and under no legal or mental disability, and I am competent to testify, having personal knowledge of the matters set forth herein.
5. I am a graduate of the University of California at Berkeley, from which I received both a Bachelor of Science and a Master of Engineering degree in Civil Engineering.
6. WSUE has performed engineering and surveying services to assist in the development of the property formerly identified as Tax Map Key (“TMK”) Nos. (2) 2-2-002: por. 015 and 3-9-001:016, and now identified as TMK Nos. (2) 3-9-001:016, 169, 170-174

(“Petition Area”), since prior to the grant of the boundary amendment of the Petition Area in 1995.

7. WSUE was previously engaged by Maui Industrial Partners, or Pacific Rim Land, Inc. on behalf of Maui Industrial Partners. Under its contracts with Maui Industrial Partners, WSUE invoiced Maui Industrial Partners \$408,462 for work completed—100% of which was applicable to the original 1994 light industrial subdivision concept plan (“1994 Plan”). WSUE performed the following services for Maui Industrial Partners:

- Preparation and processing of maps and application to subdivide the Petition Area into four developable large lots and associated roadway lots.
- Design and processing of construction permits for major infrastructure improvements needed to provide access and utility services to the four developable large lots, including:
 - Roadway improvements;
 - Potable water system improvements, including a new 1.0 MG water storage tank and pipelines;
 - Relocation of the existing 36-inch diameter County water transmission main into Kaonoulu Street;
 - Storm drainage improvements;
 - Sanitary sewer improvements; and
 - Electrical system improvements.
- Preparation and processing of preliminary plat and application to subdivide two of the four large lots into 56 light industrial lots.

8. The County of Maui granted preliminary approval to the Kaonoulu Ranch (Large Lot) Subdivision No. 2, Subdivision File No. 2.2795 (“Large Lot Subdivision”), on October 18, 2003. A true and correct copy of the preliminary subdivision approval letter is attached hereto as Exhibit “A.”

9. The County subsequently granted final approval for the Large Lot Subdivision, as well as for the Kaonoulu Ranch – Water Tank Subdivision, Subdivision File No. 2.2995, on

August 14, 2009, subject to the payment of a subdivision bond. A true and correct copy of the final subdivision approval letter is attached hereto as Exhibit “B.”

10. The Large Lot Subdivision application created four development large lots as shown on the County-approved final subdivision plat and the County-approved construction plans. A true and correct copy of the County-approved final subdivision plat for the Large Lot Subdivision is attached hereto as Exhibit “C” and a true and correct copy of the County-approved construction plans for the Large Lot Subdivision is attached hereto as Exhibit “D.”

11. The final subdivision approval letter for the Large Lot Subdivision set forth a deadline to complete the required subdivision improvements. The County has granted Piilani an extension of the deadline to August 25, 2019. A true and correct copy of the County’s extension of the deadline to complete the subdivision construction improvements is attached hereto as Exhibit “E.”

12. On October 16, 2006, the County granted preliminary approval to the Kaonoulu Light Industrial subdivision, Subdivision File No. 3.2175 (“LI Subdivision”). A true and correct copy of the preliminary subdivision approval letter is attached hereto as Exhibit “F.”

13. The LI Subdivision application subdivided Lots 2B and 2C of the Large Lot Subdivision into 56 lots as shown in the preliminary subdivision plat. A true and correct copy of the preliminary subdivision plat is attached hereto as Exhibit “G.”

14. The Large Lot Subdivision and LI Subdivision are each compatible with the 1994 Plan. A true and correct copy of the 1994 Plan is attached hereto as Exhibit “H.”

15. Pursuant to the preliminary subdivision approval letter, the final plat and construction plans for the LI Subdivision were required to be submitted within one year from the date of preliminary approval unless an extension of time was granted. The landowner has

requested annual time extensions and the new deadline for the filing of the final plat is October 17, 2019. A true and correct copy of the County letter granting the current time extension is attached hereto as Exhibit “I.”

16. Piilani Promenade South, LLC and Piilani Promenade North, LLC (collectively “Piilani”) engaged WSUE from 2010 to 2011 to provide civil engineering and land surveying services related to the development of the Large Lot Subdivision (“Large Lot Services”), including assistance in permitting, preparing construction documents, and construction support, as well as for the development of Maui Electric Company’s new electrical substation facility, and the design of a permanent pumping stations for the irrigation well located within the Petition Area.

17. To date, WSUE has invoiced Piilani \$302,161 for its Large Lot Services.

18. Based on my experience as an engineer and my knowledge of the 1994 Plan and services performed, I estimate that approximately 22%, or \$65,295, of the Large Lot Services constitutes work that is applicable to the 1994 Plan. The applicable work includes the subdivision of the electrical substation facility site, design of the permanent pumping station, and studies of development lot grading alternatives.

19. In 2013, Sarofim Realty Advisors, on behalf of Piilani, engaged WSUE to prepare a Preliminary Engineering Report for inclusion in the Environmental Impact Statement for the Piilani Parcels (the “PER Services”).

20. To date, WSUE has invoiced Sarofim Realty Advisors \$85,470 for the PER Services. Based upon my experience and knowledge of the project, I estimate that approximately 23%, or \$19,334, of the PER Services are applicable to the 1994 Plan. The applicable work includes research into the existing infrastructure and an evaluation of the new

infrastructure, which research is equally helpful to determine the infrastructure necessary to support the 1994 Plan.

21. In addition to the subdivision approvals discussed above, Piilani has obtained the following permits and approvals:

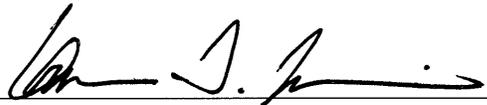
<u>Permit</u>	<u>Permit Number</u>
Subdivision Infrastructure	Grading Permit G2012-0030
Mass Grading of Project Site	Grading Permit G2012-0039
Kaonoulu Marketplace Water Storage Tank*	Building Permit #B2012/1111
NPDES Permit for Construction Stormwater Discharge**	File No. R10D273
Kaonoulu Electrical Substation Subdivision - Preliminary Approval	Subdivision File No. 3.2275

* Maximum number of extensions allowed by County Ordinance reached: no further extension allowed.

** Administrative extension granted by State Dept. of Health on October 30, 2018, pending reauthorization of State NPDES permit program.

I, DARREN T. UNEMORI, declare under penalty of law that the foregoing is true and correct.

Executed this 9th day of January, 2019, at Wailuku, Hawai'i.



 DARREN T. UNEMORI

ALAN M. ARAKAWA
Mayor

GILBERT S. COLOMA-AGARAN
Director

MILTON M. ARAKAWA, A.I.C.P.
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

TRACY TAKAMINE, P.E.
Wastewater Reclamation Division

LLOYD P.C.W. LEE, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

JOHN D. HARDER
Solid Waste Division

October 18, 2003

Mr. Warren S. Unemori, President
WARREN S. UNEMORI ENGINEERING, INC.
2145 Wells Street, Suite 403
Wailuku, Hawaii 96793

SUBJECT: KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2
TMK: (2) 2-2-002:PORTION OF 015
(2) 3-9-001:PORTION OF 016
SUBDIVISION FILE NO. 2.2795

Dear Mr. Unemori:

Preliminary approval was granted to the subject subdivision on October 18, 2003. Final approval shall be contingent upon compliance with the following conditions:

1. Requirements/comments from Maui Electric Company:
 - a. Electricity is available from nearby existing facilities (overhead and/or underground).
 - b. Requires line extension (overhead and/or underground) within existing County or State road right-of-way.
 - c. Requires line extension (overhead and/or underground) within private road or property.
 - d. Requires easement(s) from owner/subdivider/developer within subdivision for new or existing MECO facilities.

Comments: Easements are required. To process easements, applicant must submit a service request to Maui Electric Company. Please contact our Engineering Clerk at 871-2390.

If you have any questions, please contact Mr. Alan Miyazaki at 871-2390.

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2**
SUBDIVISION FILE NO. 2.2795

October 18, 2003

Page 2 of 7

2. *Re-V.
10/22/03* Comply with requirements/comments from the State of Hawaii, Department of Land and Natural Resources, Historic Preservation Division (SHPD). We are currently waiting for preliminary subdivision review comments from SHPD. For further information, please contact Ms. Cathleen Dagher at (808) 692-8023.

3. Comply with requirements/comments from the State of Hawaii, Department of Transportation, Highways Division (SDOT).

a. Submit drainage report. Appears to be diverting runoff to Kulanihakoii Gulch.

b. Submit construction plans for review and approval.

If you have any questions, please contact Paul Chung at 873-3535.

4. Requirements/comments from the Department of Public Works and Environmental Management, Engineering Division:

Submit drainage report.

If you have any questions, please contact Lloyd Lee at 270-7745.

5. Requirements/comments from the Department of Public Works and Environmental Management, Wastewater Reclamation Division:

a. Although wastewater system capacity is currently available as of September 11, 2003, the developer should be informed that wastewater system capacity cannot be ensured until the issuance of the building permit.

b. Provide discussion and calculations (sewer impact study) to substantiate that the existing wastewater system is adequate to serve this project.

c. Wastewater contribution calculations are required before building permit is issued.

d. Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.

e. Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2
SUBDIVISION FILE NO. 2.2795**

October 18, 2003

Page 3 of 7

- f. Plans should show the installation of a single service lateral and advanced riser for each lot.
- g. Indicate on the plans the ownership of each easement (in favor of which party). **NOTE: County will not accept sewer easements that traverse private property.**

If you have any questions, please contact Scott Rollins at 270-7417.

6. Requirements/comments from the Department of Water Supply:

- a. Provide fire protection in accordance with the standards.
- b. Provide water service to each lot in accordance with the standards.
- c. The subdivider shall deliver to the department perpetual easements required for the water system improvements.
- d. The subdivider shall convey to the department fee simple title to all sites on which tanks or pumps are constructed.
- e. Water system development fees will be charged upon application for water meters.
- f. Provide water source and storage.
- g. The applicant should be advised that the department's processing of this subdivision does not in any way imply that water service for the subdivision will be available. Approval of water service to each lot will be subject to rules and regulations of the department at the time water service is applied for.

If you have any questions, please contact the Department of Water Supply at 270-7835.

7. Comply with requirements/comments from the Department of Planning. We are currently waiting for preliminary subdivision review comments from the Department of Planning. For further information, please contact Mr. Francis Cerizo at 270-7253.

Rev.
11/2/03

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2
SUBDIVISION FILE NO. 2.2795**

October 18, 2003

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8. Requirements/comments from the Department of Fire and Public Safety:

At this time, the Fire Prevention Bureau would request that a water supply for fire protection shall be provided prior to the location and construction of buildings. Service roads to proposed properties shall have a clear width of 20 feet, all turns and required turnarounds shall have an outside turning radius of 40.5 feet.

If you have any questions, please contact Lt. Scott English at 270-7122.

9. In accordance with Section 18.12.030(E)(13.a.) of the Maui County Code (MCC), submit a letter from all governmental agencies with an easement, lease or license affecting the land subdivided consenting to the preparation and recording of the final plat.
10. In accordance with Section 18.12.040(C) MCC, submit a tax clearance certificate (issued by Department of Finance, Real Property Tax Division) to show written proof that all taxes and assessments on the tract are paid to date. An "Application for Tax Clearance" form is enclosed for your use. **NOTE:** The tax clearance certificate shall be valid at the time of final subdivision approval.
11. In accordance with Section 18.20.030 (Pavement of streets), improve the proposed subdivision road and access easement to the provisions of the subdivision ordinance for roadways within the urban district.
12. Provide additional information on which lots Access and Utility Easement 3 is intended to serve. The easement shall be improved to the provisions of the subdivision ordinance based on the number of lots being served.
13. Design and construct the drainage facilities to the requirements of the Department of Public Works and Environmental Management. A detailed final drainage report and site specific erosion control plan shall be submitted with the construction plans for review and approval. The drainage report shall include, but not be limited to, hydrologic and hydraulic calculations, and the schemes for disposal of runoff waters. The site specific erosion control plan shall show the location and details of structural and non-structural best management measures. The drainage and erosion control plans shall provide verification that the grading and all runoff water generated by the project will not have an adverse effect on the adjacent and downstream properties.

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2**
SUBDIVISION FILE NO. 2.2795

October 18, 2003

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14. Submit a "sight distance" report to determine required sight distance and available sight distance at existing and proposed street intersections. If you have any questions, please contact the Engineering Division at 270-7745.
15. Provide verification that adequate driveway sight distance has been provided for each lot. Access shall be restricted along the portion of any lot where adequate sight distance is not available. If you have any questions, please contact the Engineering Division at 270-7745.
16. Obtain street name approval from the Commission On Naming Streets, Parks and Facilities, and show street names on the construction plans and final plat.
17. In accordance with Section 12.24A.070(D) MCC, submit street tree planting and irrigation plans and a completed "Maui County Arborist Committee Plans Review Form" for review and approval.
18. The Owner's Acknowledgment/Authorization to Subdivide only authorizes your office to obtain preliminary approval. Provide authorization to obtain final subdivision approval.
19. Add the following note on the final plat and construction plan:

Pursuant to Maui County Code Section 3.44.015(C), the County of Maui is not responsible for any park, roadway, easement (including but not limited to drainage, sewer, access, reclaimed water, or avigation easement), or any other interest in real property shown on this map or shown on these plans, unless the Maui County Council has accepted its dedication by a resolution approved by a majority of Council's members at a regular or special meeting of the Maui County Council.
20. Submit ten (10) sets of the construction plans and three (3) sets of a drainage and soil erosion control report or drainage verification, whichever is applicable, for review and approval by the applicable agencies. In accordance with Section 18.24.010(D) MCC, a construction plan review fee (\$50/lot) shall be paid upon submission of the construction plans.

When the construction plans are approved, post construction requirements will be noted on the construction plan approval letter. The post construction requirements will need to be completed prior to final subdivision approval.

Mr. Warren S. Unemori, President

SUBJECT: **KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2
SUBDIVISION FILE NO. 2.2795**

October 18, 2003

Page 6 of 7

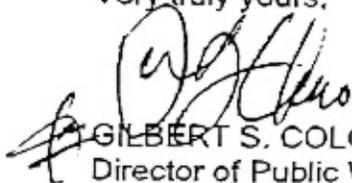
21. Submit fifteen (15) prints of the final plat in accordance with Chapter 18.12 (Final Plat) MCC. The final plat shall include all revisions addressing the comments noted on the enclosed preliminary plat. The final plats shall be folded into 8 ½" x 11" sized sheets.
22. Submit a digital copy (either on 3½" floppy disk or compact disc) of the final plat. The digital map shall either be in Arcview GIS file format or be an AutoCAD drawing with NAD83 State Plane Meters, Zone 2 coordinates, and shall include only the lot line drawing.

Within one (1) year from the date of preliminary approval of the subdivision, the final plat must be filed and the construction plans must be submitted, unless an extension of time is granted.

Be forewarned that requests for time extensions must be made in writing and received by our department in accordance with the following requirements. A time extension request for the filing of the final plat must be made at least fifteen days prior to the filing deadline. A time extension request for the submittal of the construction plans must be made prior to the submittal deadline. Therefore, a time extension request for the filing of the final plat must be made no later than October 2, 2004, and a time extension request for the submittal of the construction plans must be made no later than October 18, 2004. If no construction plans will be required for the subdivision, our department must be notified in writing prior to the submittal deadline. A "good cause" reason for any time extension shall be stated in the request. Time extension requests which are not in compliance with all of these requirements, will result in the subdivision being deemed null and void.

If you have any questions regarding this letter, please call Ms. Lesli Otani of our Development Services Administration at 270-7252.

Very truly yours,



GILBERT S. COLOMA-AGARAN
Director of Public Works
And Environmental Management

Mr. Warren S. Unemori, President

**SUBJECT: KAONOULU RANCH (LARGE LOT) SUBDIVISION NO. 2
SUBDIVISION FILE NO. 2.2795**

October 18, 2003

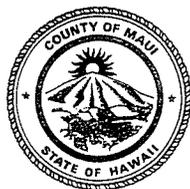
Page 7 of 7

Enclosures: Preliminary Plat
Application For Tax Clearance

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c: Dept. of Finance, Real Property Tax Div. (unmarked preliminary plat only)
Dept. of Finance, Tax Map Div. (unmarked preliminary plat only)
Engineering Division w/preliminary plat
Wastewater Reclamation Division
Dept. of Water Supply, SD 03-090
Dept. of Fire and Public Safety
Dept. of Planning
Dept. of Parks and Recreation
DOT, Highways Division
State Dept. of Health
Maui Electric Company

CHARMAINE TAVARES
Mayor



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

MILTON M. ARAKAWA, A.I.C.P.
Director

CARY YAMASHITA, P.E.
Engineering Division

MICHAEL M. MIYAMOTO
Deputy Director

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

August 14, 2009

Mr. Darren Okimoto, P.E.
WARREN S. UNEMORI ENGINEERING, INC.
2145 Wells Street, Suite 403
Wailuku, Hawaii 96793

SUBJECT: KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2
TMK: (2) 3-9-001:016
SUBDIVISION FILE NO. 2.2795

KAONOULU RANCH-WATER TANK SUBDIVISION
TMK: (2) 2-2-002:015
SUBDIVISION FILE NO. 2.2995

Dear Mr. Okimoto:

Final approval for the subject subdivisions have been granted on August 14, 2009, based upon an "Agreement For Subdivision Approval" and "Subdivision Bond" in the following amounts totaling \$22,058,826.00:

Bond No. SU1102685 (Sitework Improvements)	\$1,256,710.00
Bond No. SU1102686 (East Kaonoulu Street Improvements)	2,299,046.00
Bond No. SU1102687 (Piilani Highway Widening Improvements)	1,411,106.00
Bond No. SU1102688 (Access Road and Swales)	1,771,330.00
Bond No. SU1102689 (Sewer System/Revisions)	712,592.00
Bond No. SU1102690 (Storm Drainage System/Revisions)	2,895,052.00
Bond No. SU1102691 (Onsite Water System)	834,700.00
Bond No. SU1102692 (12" Offsite Water/1MG Water Tank)	4,802,784.00
Bond No. SU1102693 (36" Water Main/Water/Misc. Revisions)	2,444,940.00
Bond No. SU1102694 (Electrical)	885,566.00
Bond No. SU1102695 (Traffic Signal Improvements)	643,000.00
Bond No. SU1102696 (Landscape/Irrigation)	1,202,000.00
Bond No. SU1102697 (CRM Walls)	\$ 900,000.00

The approved final plats and copies of the "Agreement For Subdivision Approval" and "Subdivision Bond" are enclosed for your records.

Mr. Darren Okimoto, P.E.

**SUBJECT: KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2
SUBDIVISION FILE NO. 2.2795
KAONOULU RANCH-WATER TANK SUBDIVISION
SUBDIVISION FILE NO. 2.2995**

August 14, 2009

Page 2 of 2

The "Agreement For Subdivision Approval" and "Subdivision Bond" stipulates that the Subdivider shall complete the required subdivision improvements on or before July 17, 2010.

If you have any questions regarding this letter, please contact Lesli Otani of our Development Services Administration at 270-7252.

Sincerely,



MILTON M. ARAKAWA, A.I.C.P.
Director of Public Works

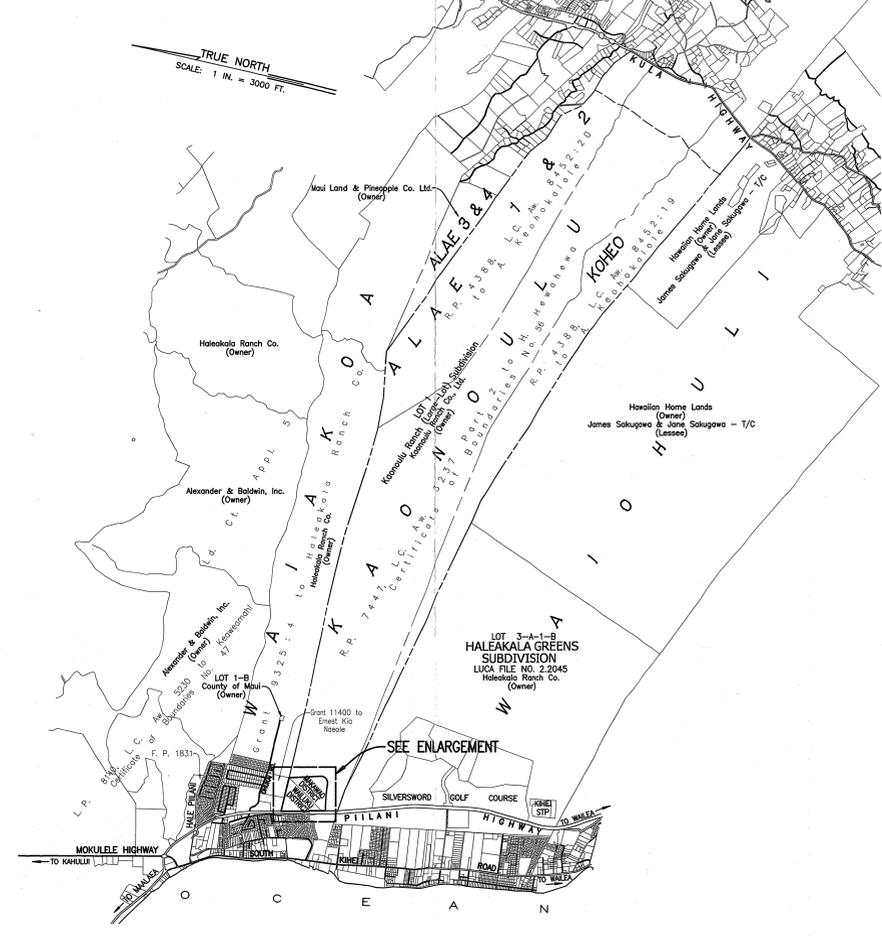
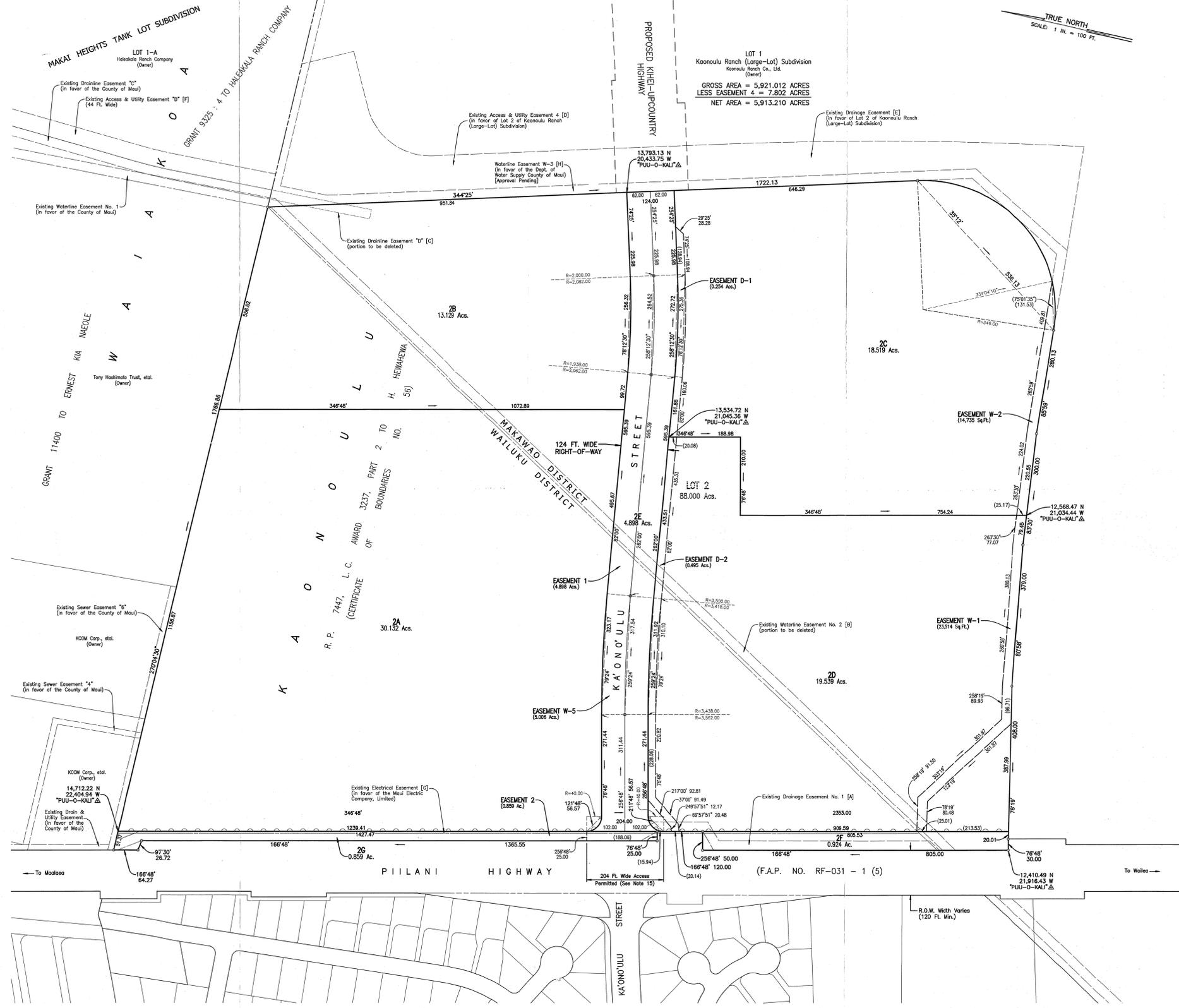
Enclosures: Final Plats

Agreement For Subdivision Approval

Subdivision Bond (Bond Nos. SU1102685 thru SU1102697)

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- c: Dept. of Finance, Accounts Division w/final plats, agreement, & bonds
- Dept. of Finance, Real Property Tax Division w/final plats
- Dept. of Finance, Tax Map Division w/final plats
- Building Permit Section w/final plats
- Engineering Division w/final plats
- Dept. of Environmental Management, WWRD w/final plats
- Dept. of Planning w/final plats
- Dept. of Water Supply, SD 03-90 & 06-106 w/final plats
- Police Dept. w/final plats
- Dept. of Parks and Recreation w/final plats
- State Department of Health w/final plats
- DOT, Highways Division w/final plats
- Maui Electric Co. w/final plats

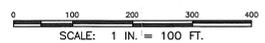


KAONOULU RANCH (LARGE-LOT) SUBDIVISION NO. 2

SUBDIVISION OF LOT 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION INTO LOTS 2A TO 2G, INCLUSIVE, DESIGNATION OF EASEMENTS 1, 2, D-1, D-2, W-1, W-2, AND W-5, AND DESIGNATION OF RESTRICTION OF VEHICULAR ACCESS RIGHTS AFFECTING LOTS 2A AND 2D, AND DELETION OF PORTIONS OF EASEMENTS NO. 2 AND D.

BEING A PORTION OF R.P. 7447, L.C. AW. 3237, PART 2 TO H. HEWAHEHA, CERTIFICATE OF BOUNDARIES NO. 56 KAONOULU, MAKAWA AND WAILUKU, MAUI, HAWAII

TOTAL AREA = 88.000 ACRES



OWNER: MAUI INDUSTRIAL PARTNERS, LLC
 ADDRESS: 381 HEIKU L'YI PLACE, SUITE 202
 KIHAE, HI. 96753

NOTES:

- ALL BOUNDARY CORNERS ARE MARKED WITH 3/4" PIPES, UNLESS OTHERWISE NOTED.
- ALL AZIMUTHS AND RECORD COORDINATES, REFERS TO GOVERNMENT SURVEY TRIANGULATION STATION "PUU-O-KALI".
- OWNERS OF ADJOINING LANDS, AS SHOWN ON PLAN, TAKEN FROM RECORDS IN THE REAL PROPERTY MAPPING BRANCH.
- PURSUANT TO MAUI COUNTY CODE SECTION 3.44.015(C), THE COUNTY OF MAUI IS NOT RESPONSIBLE FOR ANY PARK, ROADWAY, EASEMENT (INCLUDING BUT NOT LIMITED TO DRAINAGE, SEWER, ACCESS, RECLAIMED WATER OR AVIGATION EASEMENT), OR ANY OTHER INTEREST IN REAL PROPERTY SHOWN ON THIS MAP OR SHOWN ON THESE PLANS, UNLESS THE MAUI COUNTY COUNCIL HAS ACCEPTED ITS DEDICATION BY A RESOLUTION APPROVED BY A MAJORITY OF COUNCIL'S MEMBERS AT A REGULAR OR SPECIAL MEETING OF THE MAUI COUNTY COUNCIL.
- STREET NAMES DO NOT REQUIRE THE COMMISSION ON NAMING STREETS, PARKS AND FACILITIES APPROVAL AS STATED IN THEIR LETTER DATED AUGUST 31, 2006.
- DENOTES NO VEHICULAR ACCESS PERMITTED.
- DENOTES VEHICULAR ACCESS PERMITTED.
- LOT 2E, IS A ROADWAY LOT, TO BE DEDICATED TO THE STATE OF HAWAII.
- LOTS 2F AND 2G, ARE ROAD WIDENING LOTS, TO BE DEDICATED TO THE STATE OF HAWAII.
- EASEMENT 1, AFFECTING LOT 2E, IS FOR ACCESS PURPOSES IN FAVOR OF LOT 1 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION.
- EASEMENT 2, AFFECTING LOT 2G, IS FOR ACCESS PURPOSES IN FAVOR OF LOT 1 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION.
- EASEMENT "W-1", AFFECTING LOT 2D, IS FOR WATERLINE PURPOSES IN FAVOR OF THE DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI.
- EASEMENT "W-2", AFFECTING LOT 2C, IS FOR WATERLINE PURPOSES IN FAVOR OF THE DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI.
- EASEMENT "W-5", AFFECTING LOTS 2E AND 2G, IS FOR WATERLINE PURPOSES IN FAVOR OF THE DEPARTMENT OF WATER SUPPLY, COUNTY OF MAUI.
- EASEMENT "D-1", AFFECTING LOT 2C, IS FOR DRAINAGE PURPOSES IN FAVOR OF THE KAONOULU OWNERS ASSOCIATION.
- EASEMENT "D-2", AFFECTING LOT 2D, IS FOR DRAINAGE PURPOSES IN FAVOR OF THE KAONOULU OWNERS ASSOCIATION.
- ACCESS TO LOTS 2A TO 2D, INCLUSIVE, PROVIDED OVER ROADWAY LOT 2E, ADDITIONAL ACCESS TO LOT 2B PROVIDED OVER ACCESS & UTILITY EASEMENT 4, ROADWAY IMPROVEMENTS TO BE CONSTRUCTED AS PART OF CONSTRUCTION PLANS FOR KAONOULU MARKET PLACE.
- APPROVAL PENDING FOR RELOCATION AND WIDENING OF ACCESS PERMITTED FOR KAONOULU STREET ALONG PILIHI HIGHWAY.

- EXISTING EASEMENT: (LETTERS IN BRACKETS ON MAP CORRESPONDS WITH NOTE BELOW)
- EXISTING DRAINAGE EASEMENT NO. 1 (25 FEET WIDE) IN FAVOR OF TONY AND HILDA HASHIMOTO ET AL., RECORDED JULY 20, 1987 IN LIBER 20934, PAGE 687 AFFECTING LOT 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION. (1.268 ACRES).
 - EXISTING WATERLINE EASEMENT NO. 2 (25 FEET WIDE) IN FAVOR OF THE BOARD OF WATER SUPPLY, COUNTY OF MAUI, RECORDED DECEMBER 12, 1979 IN LIBER 14514, PAGE 194 AFFECTING LOT 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION. (1.957 ACRES). [PORTION TO BE DELETED]
 - EXISTING DRAINAGE EASEMENT "D" (25 FEET WIDE) IN FAVOR OF THE COUNTY OF MAUI, RECORDED APRIL 9, 1990 IN DOCUMENT NO. 90-06551 AFFECTING LOTS 1 AND 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION. (6,728 SQUARE FEET). [PORTION TO BE DELETED]
 - EXISTING ACCESS & UTILITY EASEMENT 4 IN FAVOR OF LOT 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION, RECORDED APRIL 5, 2006 IN DOCUMENT NO. 2006-05412 AFFECTING LOT 1 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION. (7.802 ACRES).
 - EXISTING DRAINAGE EASEMENT IN FAVOR OF LOT 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION, RECORDED APRIL 5, 2006 IN DOCUMENT NO. 2006-05411 AFFECTING LOT 1 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION. (7.802 ACRES).
 - EXISTING ACCESS & UTILITY EASEMENT "D" (44 FEET WIDE) IN FAVOR OF LOTS 1 AND 2 OF KAONOULU RANCH (LARGE-LOT) SUBDIVISION, RECORDED JANUARY 14, 2002 IN DOCUMENT NO. 2002-00568 AFFECTING LOT 1-A OF MAUI HEIGHTS TANK LOT SUBDIVISION. (48,731 SQUARE FEET).
 - THERE EXISTS A UTILITY EASEMENT IN FAVOR OF MAUI ELECTRIC COMPANY, LIMITED AS RECORDED IN LIBER 12708, PAGE 32-44. (REDLINE EASEMENT).
 - WATERLINE EASEMENT W-3 IN FAVOR OF THE DEPARTMENT OF WATER SUPPLY COUNTY OF MAUI AFFECTING LOT 1-A OF KAONOULU RANCH WATER TANK SUBDIVISION. (1.535 ACRES) [APPROVAL PENDING]



Warren S. Unemori 4/30/10 1/19
 I certify that this map was prepared by me under my supervision and I am a duly Licensed Professional Engineer of the State of Hawaii.

WARREN S. UNEMORI - ENGINEERING, INC.
 Wells Street Professional Center - Suite 403
 2145 Wells Street - Hilo, Maui, Hawaii 96793
 (808)242-4403 FAX: (808)242-4456

FINAL SUBDIVISION APPROVAL

Subdivision File Number: 2.2795
 Approved for Recordation with the Bureau of Conveyances and Department of Taxation, State of Hawaii.
 Director of Public Works *Shirley M. Gilman* Date