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LAND USE COMMISSION
STATE OF HAWAII
2019 JAN 18 A 11:10

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

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII


| | | |
|---|---|----------------------------------|
| In the Matter of the Petition of |) | Docket No. A94-706 |
| |) | |
| KAONOULU RANCH to Amend the |) | SUBMISSION OF ORIGINAL |
| Agricultural Land Use District Boundary |) | DECLARATION OF DARREN T. |
| into the Urban Land Use District for |) | UNEMORI IN SUPPORT OF |
| Approximately 88 acres at Kaonoulu, |) | PETITIONERS' MEMORANDUM IN |
| Makawao-Wailuku, Maui, Hawai'i; Tax |) | OPPOSITION TO INTERVENORS' |
| Map Key Nos. (2) 2-2-02: por. 15 and 3-9- |) | MOTION TO CONDUCT PHASE II OF |
| 01:16 |) | CONTESTED CASE PENDING SINCE |
| |) | 2012, AND FOR FINAL DECISION |
| |) | FILED DECEMBER 3, 2018, FILED ON |
| |) | JANUARY 10, 2019; CERTIFICATE OF |
| |) | SERVICE |
| |) | |

SUBMISSION OF ORIGINAL DECLARATION OF
DARREN T. UNEMORI IN SUPPORT OF 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, FILED ON JANUARY 10, 2019

Petitioners PIILANI PROMENADE SOUTH, LLC and PIILANI PROMENADE
NORTH, LLC (collectively, "Piilani"), through its attorneys, McCorrison Miller Mukai
MacKinnon LLP, hereby submits the original Declaration of Darren T. Unemori, an

electronically-transmitted copy of which was attached as Exhibit 1 to the Declaration of Randall F. Sakumoto in support of its Memorandum in Opposition to Intervenors' Motion to Conduct Phase II of Contested Case Pending Since 2012, and for Final Decision, Filed December 3, 2018, filed on January 10, 2019.

DATED: Honolulu, Hawai'i, JAN 18 2019.



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

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

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI‘I

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| 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

BEFORE THE LAND USE COMMISSION
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the date noted below, a true and correct copy of the foregoing document, was duly served upon the following person by hand-delivery (HD) or by mailing said copy, postage prepaid, first class, in a United States post office at Honolulu, Hawaii (M), addressed as set forth below:

| | |
|--|----|
| DANIEL ORODENKER, Executive Officer Land Use Commission, State of Hawai'i 235 South Beretania Street Room 406, Leiopapa A Kamehameha Bldg. Honolulu, Hawai'i 96813 | HD |
|--|----|

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|---|---|

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DATED: Honolulu, Hawai'i, JAN 18 2019



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SOUTH, LLC and PIILANI PROMENADE
NORTH, LLC