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:
 - o Roadway improvements;
 - Potable water system improvements, including a new 1.0 MG water storage tank and pipelines;
 - o Relocation of the existing 36-inch diameter County water transmission main into Kaonoulu Street;
 - o Storm drainage improvements;
 - o Sanitary sewer improvements; and
 - o 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

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- 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

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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

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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>	Permit Number
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	Subdivision File No. 3.2275
Approval	

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

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

Executed this _____ day of January, 2019, at _____ Wailuku___, Hawai'i.

DARRENT LINEMORI

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

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

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:
 - 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.
 - 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.

EXHIBIT A

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

TRACY TAKAMINE, P.E. Wastawater Reclamation Division

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

BRIAN HASHIRO, P.E. Highways Division

JOHN D. HARDER Solid Waste Division

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

SUBDIVISION FILE NO. 2.2795

October 18, 2003

Page 2 of 7

2. 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.

- Comply with requirements/comments from the State of Hawaii, Department of Transportation, Highways Division (SDOT).
 - Submit drainage report. Appears to be diverting runoff to Kulanihakoi Gulch.
 - Submit construction plans for review and approval.

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

 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.

- 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.
 - Provide discussion and calculations (sewer impact study) to substantiate that the existing wastewater system is adequate to serve this project.
 - Wastewater contribution calculations are required before building permit is issued.
 - Developer shall pay assessment fees for treatment plant expansion costs in accordance with ordinance setting forth such fees.
 - Developer is required to fund any necessary off-site improvements to collection system and wastewater pump stations.

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

October 18, 2003

Page 3 of 7

- 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.

- Requirements/comments from the Department of Water Supply:
 - a. Provide fire protection in accordance with the standards.
 - Provide water service to each lot in accordance with the standards.
 - 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.
 - Water system development fees will be charged upon application for water meters.
 - 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.

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

SUBDIVISION FILE NO. 2,2795

October 18, 2003

Page 4 of 7

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.

- 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.
- 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.

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

SUBDIVISION FILE NO. 2.2795

October 18, 2003

Page 5 of 7

- 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.
- Obtain street name approval from the Commission On Naming Streets, Parks and Facilities, and show street names on the construction plans and final plat.
- 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.
- The Owner's Acknowledgment/Authorization to Subdivide only authorizes your office to obtain preliminary approval. Provide authorization to obtain final subdivision approval.
- 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.

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" × 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.

BLEERT S. COLOMA-AGARAN

Director of Public Works

And Environmental Management

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

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

MICHAEL M. MIYAMOTO Deputy Director



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

CARY YAMASHITA, P.E. Engineering Division

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,

C:

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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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

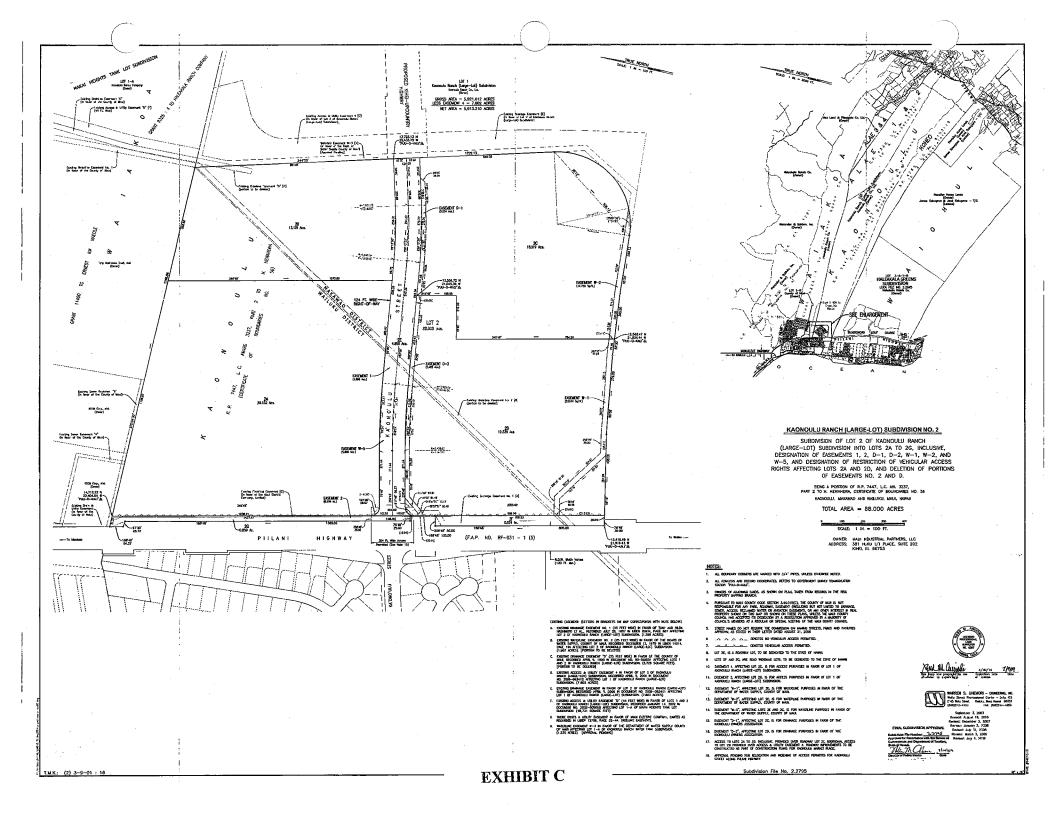
Police Dept. w/final plats

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

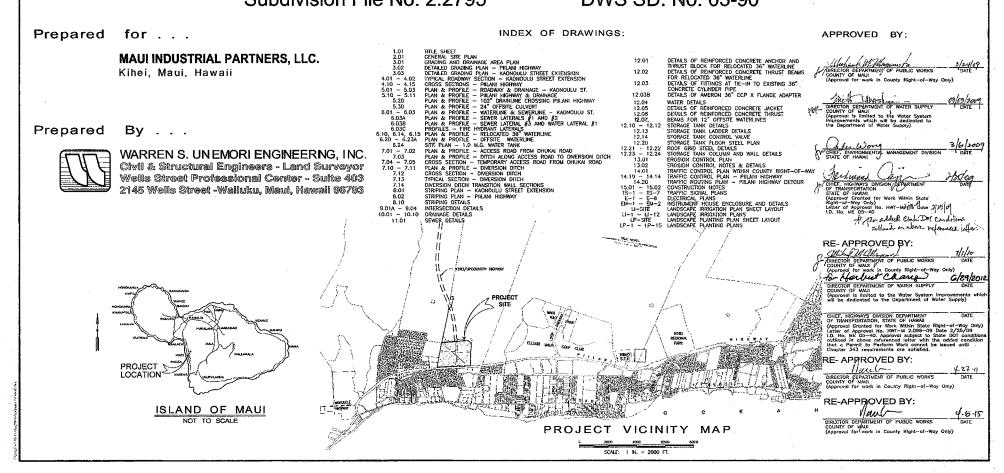


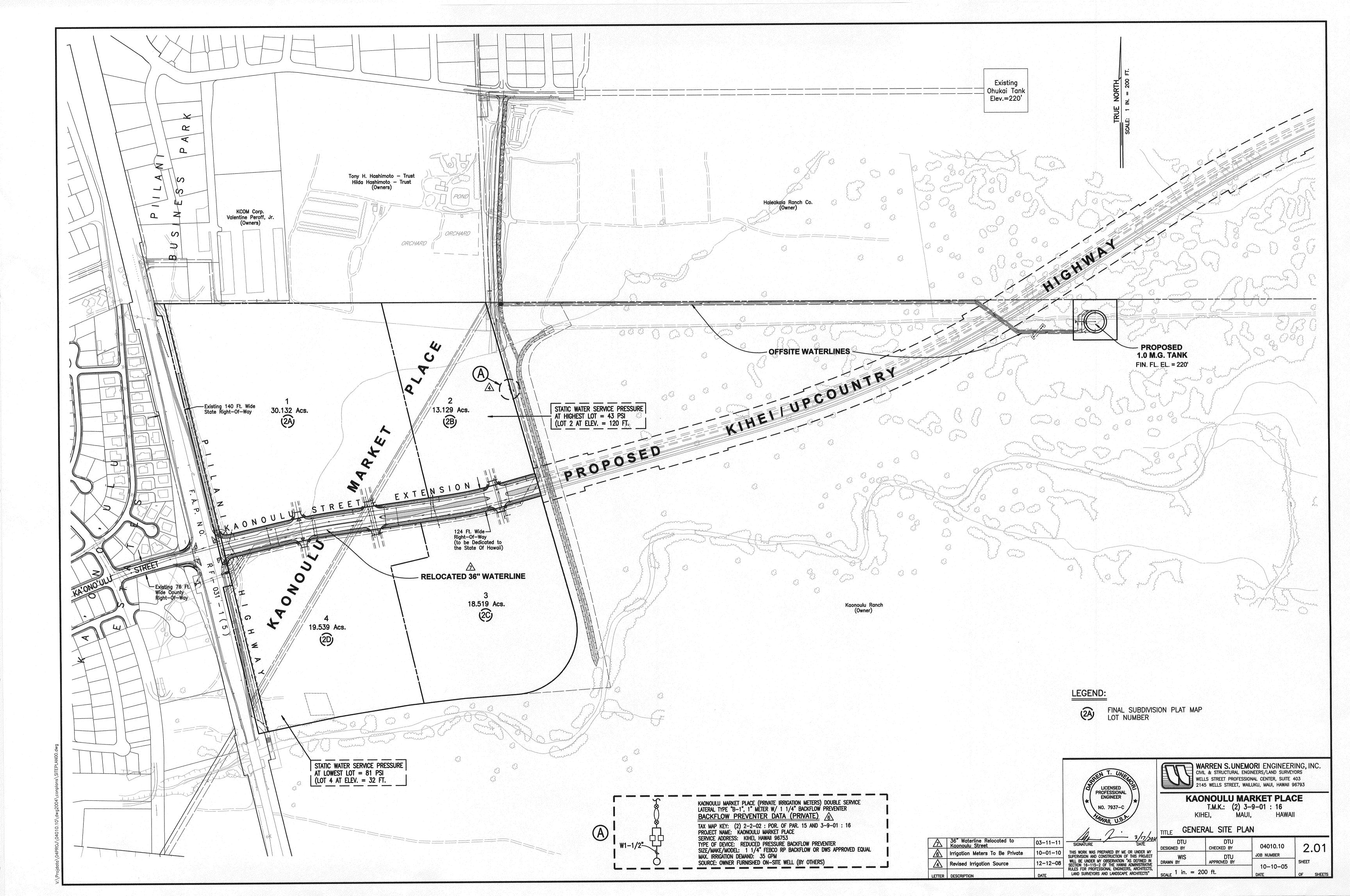
Construction Plans for ...

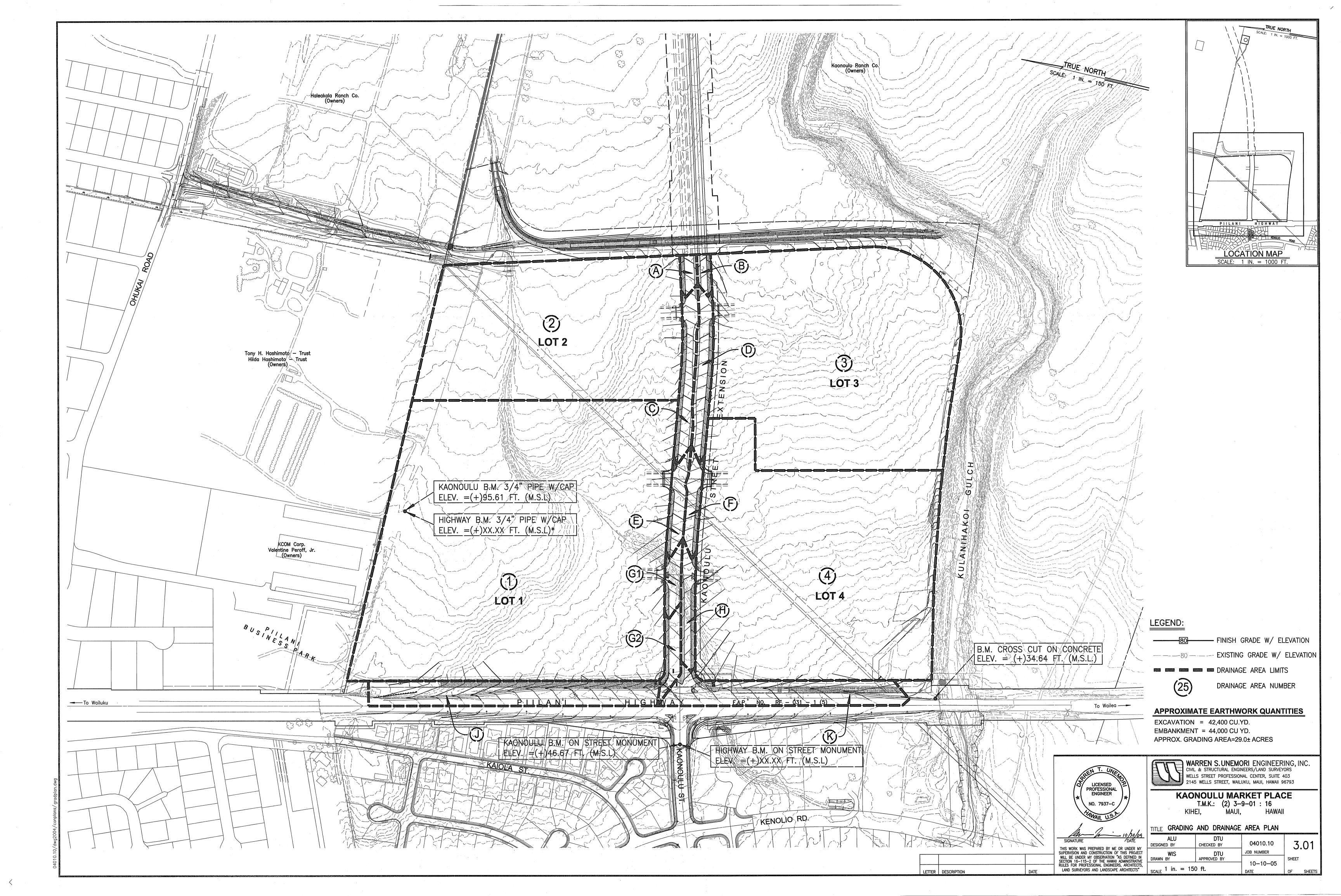
KAONOULU MARKET PLACE

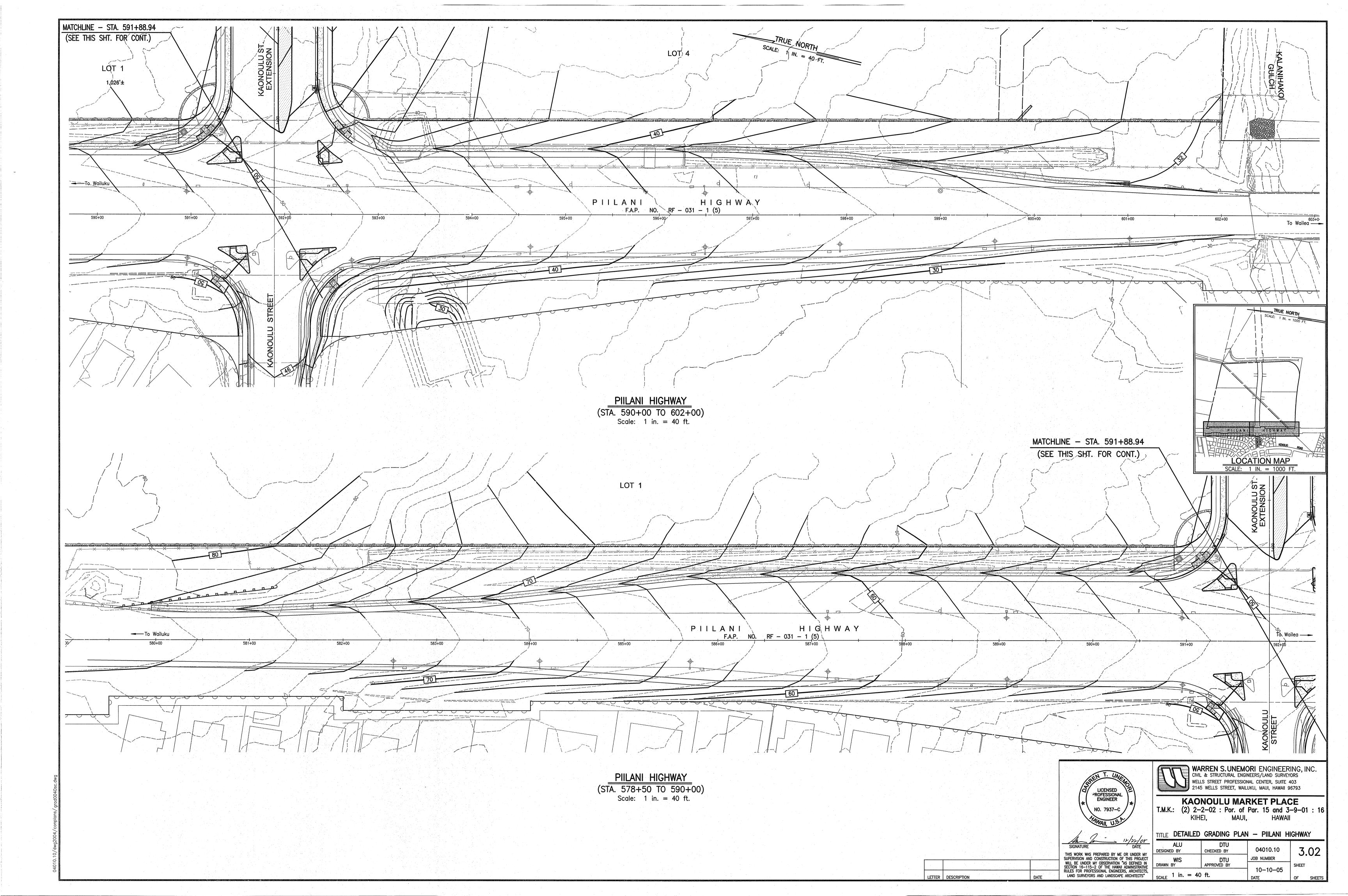
TAX MAP KEY: (2) 3-9-01:16

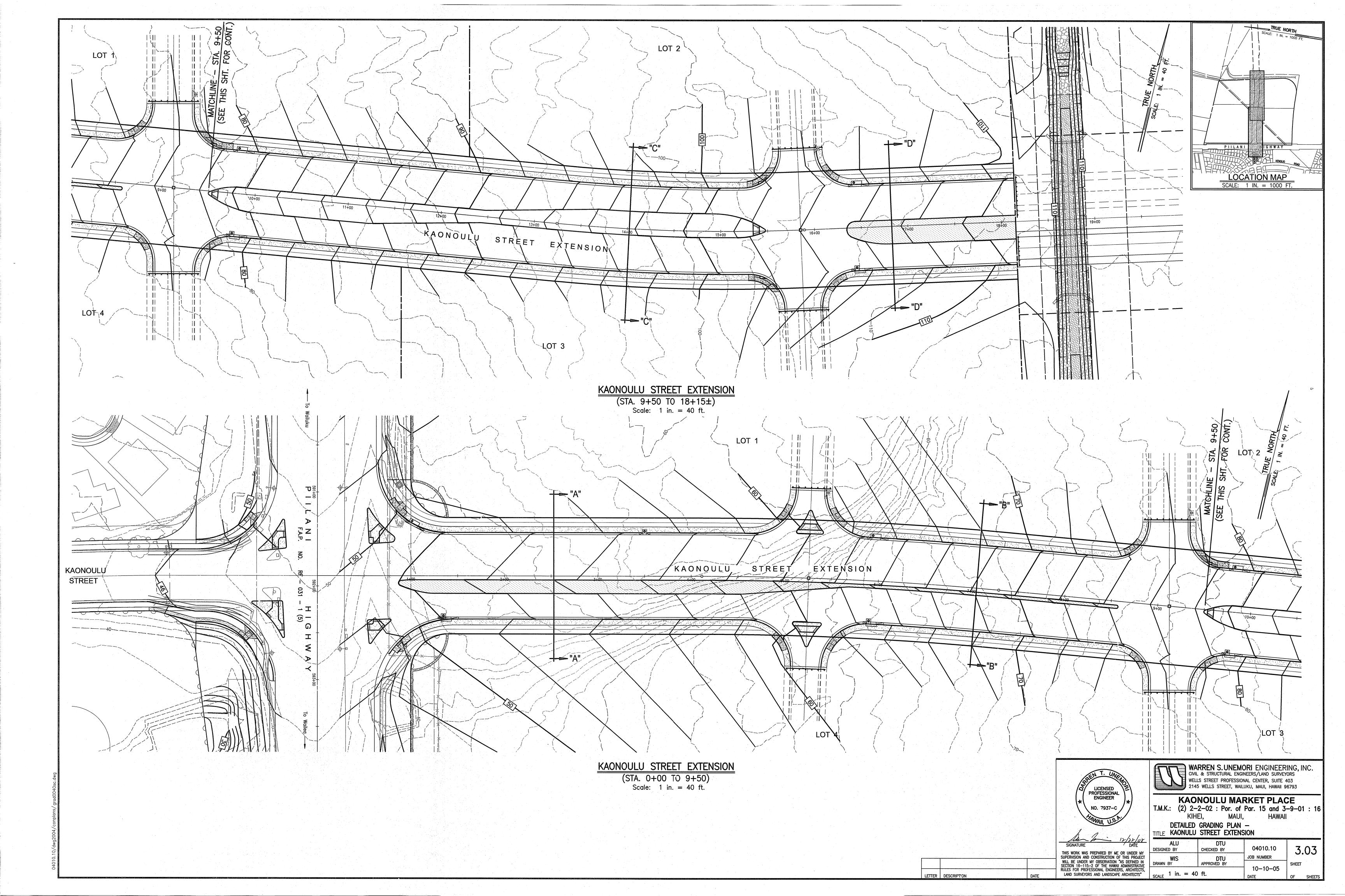
Waiohuli-Keokea, Kula, (Kihei), Maui, Hawaii Subdivision File No. 2.2795 DWS SD. No. 03-90

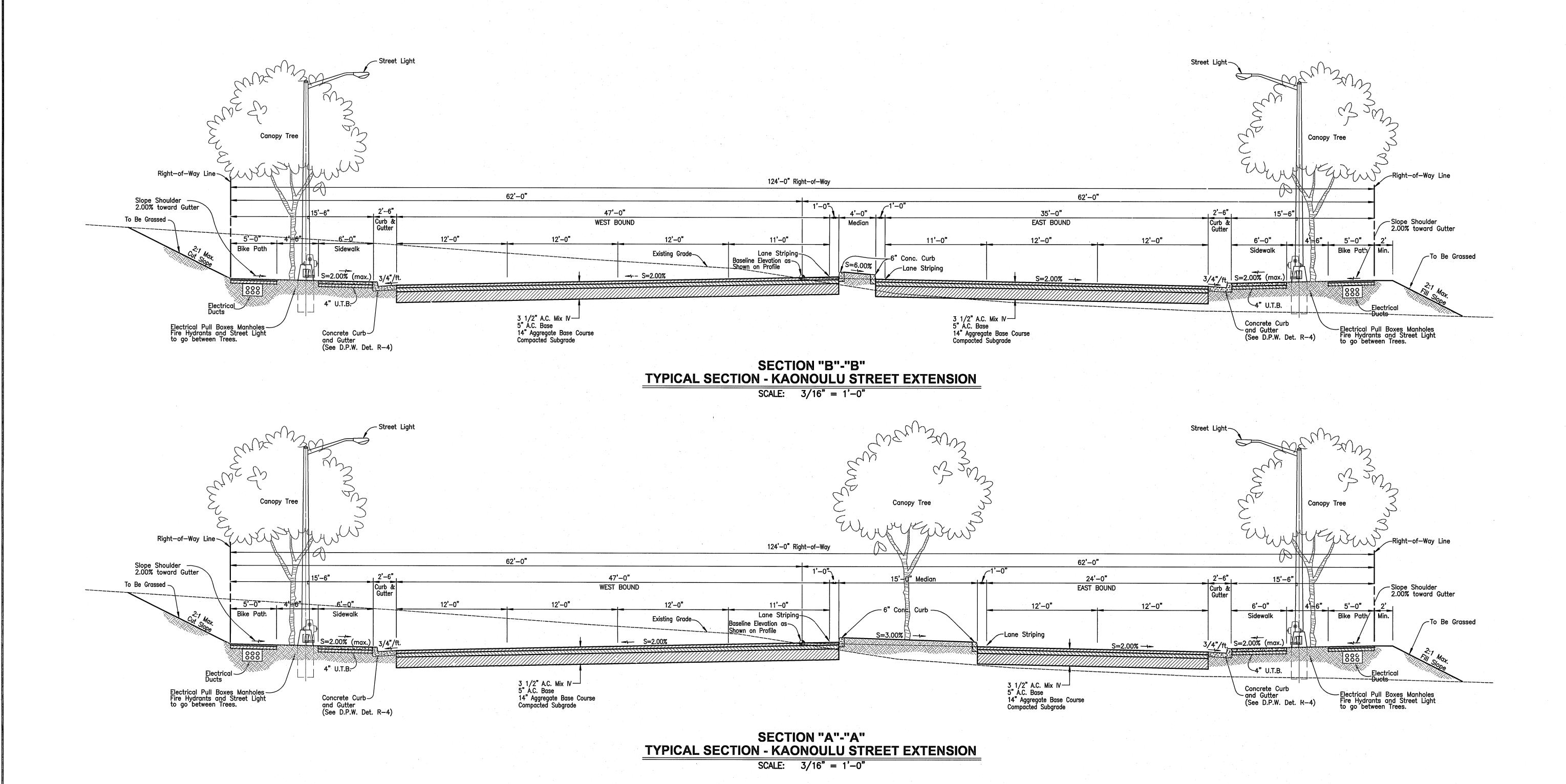












LICENSED PROFESSIONAL ENGINEER

NO. 1569—C

KAON

T.M.K.: (2) 2—2

KIHEI

TYPICAL SE

TITLE KAONOULU

ALU

DESIGNED BY

C

WIS

DRAWN BY

AND

C

SIGNATURE

THIS WORK WAS PREPARED BY ME OR UNDER MY
SUPERVISION AND CONSTRUCTION OF THIS PROJECT
WILL BE UNDER MY OBSERVATION "AS DEFINED IN
SECTION 16—115—2 OF THE HAWAII ADMINISTRATIVE
RULES FOR PROFESSIONAL ENGINEERS, ARCHITECTS,
LAND SURVEYORS AND LANDSCAPE ARCHITECTS"

SCALE

AS Shown

WARREN S. UNEMORI ENGINEERING, INC. CIVIL & STRUCTURAL ENGINEERS/LAND SURVEYORS WELLS STREET PROFESSIONAL CENTER, SUITE 403 2145 WELLS STREET, WAILUKU, MAUI, HAWAII 96793

KAONOULU MARKET PLACE
T.M.K.: (2) 2-2-02 : Por. of Par. 15 and 3-9-01 :

T.M.K.: (2) 2-2-02 : Por. of Par. 15 and 3-9-01 : 16

KIHEI, MAUI, HAWAII

TYPICAL SECTIONS

TITLE KAONOLILLI STREET EXTENSION

	J SIREEL EXI	ENSION	
ALU ESIGNED BY	WSU CHECKED BY	04010.10	4.01
WIS	WSU	JOB NUMBER	
RAWN BY	APPROVED BY	10 10 05	SHEET

