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Attorneys for Petitioner
HASEKO ROYAL KUNIA, LLC

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of

HALEKUA DEVELOPMENT
CORPORATION, a Hawai'i corporation

To Amend the Agricultural Land Use
District Boundary into the Urban Land Use
District for Approximately 503.886 Acres at
Waikele and Ho'ae'ae, 'Ewa, O'ahu, City
and County of Honolulu, State of Hawai'i,
Tax Map Key No. 9-4-02: 1, portion 52, 70
and 71

)
) DOCKET NO. A92-683

)
) DECLARATION OF SHARENE S.
) TAM; EXHIBITS 1 TO 4; AND
) CERTIFICATE OF SERVICE

DECLARATION OF SHARENE S. TAM

STATE OF HAWAII)
)
) SS.
CITY AND COUNTY OF HONOLULU)

SHARENE S TAM, being first sworn on oath, deposes and says that:

1. I am the vice president of Haseko Development, Inc., Manager of Haseko Royal Kunia, LLC, a Hawai'i limited liability company, owner of Parcel 71 (collectively, "Haseko"). My business address is 91-1001 Kaimālie St., Suite 205, 'Ewa Beach, Hawai'i 96706.
2. I have personal knowledge of the matters set forth herein and am qualified and competent to make this Declaration.
3. Haseko and its affiliates are long time developers in Hawai'i since 1973.
4. Haseko's most recent development is the 1,100-acre Ocean Pointe/Hoakalei master planned community located in 'Ewa, Beach Hawai'i.
5. Haseko recently purchased Parcel 71 on August 12, 2020 from RP2 Ventures, LLC ("RP2"). Haseko also purchased Parcels 70 and 78 from HRT Realty, LLC on August 12, 2020. Combined, Haseko owns approximately 211 acres of residential/apartment zoned lands at Royal Kunia Phase II ("RKII").
6. Haseko has acquired a project that originated in the 1990's and has experienced several failures, including bankruptcy. Unlike other prior owners of the land in the past, Haseko is committed to move forward with its development plans.
7. Haseko intends to develop approximately 1,850 housing units on its recently acquired lands. A conceptual development plan is attached hereto as **Exhibit 1** and incorporated herein by reference.
8. Haseko's initial phase of development will be done via a cluster housing permit issued by the City Department of Planning and Permitting ("DPP"). This initial development will be comprised of approximately 300 units, most of which will be considered affordable or workforce housing units.
9. Haseko filed its pleadings in this proceeding primarily because it lacked information relative to (a) the location of the 138 kV high voltage line that we believed would be installed on the solar farm property in order to connect to HECO's existing 138 kV infrastructure; and (b) the proximity of the solar array field in relation to Haseko's planned residential dwellings. Haseko also sought LUC clarification on the applicability of Conditions IV(A)(1) and IV(B)(1) based on statements made by Ho'ohana Solar in its Motion.

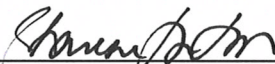
10. After reviewing Ho'ohana Solar's materials and exhibits, we no longer have any issues with the 138 kV high voltage line. With respect to the proximity of the solar array field, we still have some residual concerns which are discussed below.
11. It will be important that an appropriate vegetation barrier be placed on the boundary to minimize any visual impact to the planned residential neighborhood on Parcel 71. Ho'ohana Solar's Exhibit 30 is their proposed landscape planting plan for the boundary area between Parcel 71 and Parcel 52. See **Exhibit 2** for a copy of the proposed landscape planting plan. In reviewing page 2 of the landscape plan, "West Boundary Hedge" is called out, with the Natal Plums listed as the planned vegetation. In my discussion with Ho'ohana Solar, I was told that Natal Plums are supposed to grow up to 7' tall. We would want to ensure that the taller vegetation will be planted and maintained along the common boundary.
12. One of the main unresolved issues that Haseko has with Ho'ohana Solar relates to drainage. This issue was not raised in Haseko's August 25 pleadings since we were unaware Ho'ohana Solar's plan was inconsistent with the RKII approved drainage master plan until after that filing. In 1996, an updated drainage master plan (the "DMP") was prepared covering all of the lands within RKII, including Parcel 52. The DMP was eventually approved by the City Department of Public Works. The DMP calls for the southwestern portion of Parcel 52 to include a retention basin for surface runoff from adjoining properties. See **Exhibit 3** for a copy of the various drainage areas reflected in the DMP, including the retention basin that was supposed to be constructed on Parcel 52. Based on initial discussions with Ho'ohana Solar, it is Haseko's belief that Ho'ohana Solar does not intend to allow a retention basin to be constructed on Parcel 52 as called out in the DMP. Instead, Ho'ohana Solar plans to install solar panels in the retention basin area and expects Haseko to find some other way to handle drainage for its stormwater. This is illustrated on Ho'ohana Solar's Exhibit 28 which provides an overlay which shows the coverage of the 2015 Solar Project compared against the 2020 Solar Project (See **Exhibit 4** attached hereto). I should note that had the 2020 Solar Project not been expanded, the area designated for the retention basin under the DMP would be available for the retention basin.
13. In an earlier meeting, Ho'ohana Solar contends that it does not have to abide by the DMP because it is only a lessee and not the owner of Parcel 52. This argument is disingenuous as the DMP encumbers the entire Petition Area (including Parcel 52) and Ho'ohana Solar cannot avoid its requirements simply because it is a lessee and not the owner of the land. If Ho'ohana Solar is allowed to avoid obligations running with the land merely because it is a lessee and not the owner, this will establish a bad precedent by which landowners will be able to avoid similar obligations running with their land simply by leasing rather than developing their land.
14. In Ho'ohana Solar's Motion, Ho'ohana Solar suggested that conditions IV(A)(1) and IV(B)(1) do not apply to Ho'ohana Solar because the 2015 Solar Project was not permitted to move forward and, therefore, the obligation to satisfy the State Agricultural Park off-site infrastructure is required to be addressed by one of the Petition Area landowners. Additionally, Ho'ohana Solar cites to Memorandum of Understanding ("MOU") that had been entered into between RP2 and the Department of Agriculture ("DOA") addressing the obligation to provide off-site infrastructure to the State

Agricultural Park. Ho'ohana Solar is neither a party to nor a beneficiary of the MOU relating to the irrigation water line that RP2 and DOA entered into. The requirement to contribute to the irrigation water line applies to the Petition Area and does not disappear merely because neighboring property owners are willing to accept responsibility for building it. Like the DMP, Ho'ohana Solar cannot avoid the obligation to participate in the installation of the irrigation line merely because it is a lessee of the Petition Area and not the owner. Again, if Ho'ohana Solar is allowed to avoid this obligation merely because it is a lessee and not the owner of the Parcel 52, that will establish a precedent by which other landowners will be able to avoid their land use obligations by leasing rather than developing their land.

I make this Declaration under Hawai'i Administrative Rules §15-15-39.

Further affiant sayeth naught.

DATED: Honolulu, Hawai'i, October 1, 2020.



SHARENE S. TAM

The foregoing document, Declaration of Sharene S. Tam dated this 1st day of October, 2020, which consists of 7 pages (including this page), was executed by Sharene S. Tam who was subscribed and sworn to before me this 1st day of October, 2020 in the First Judicial Circuit of the State of Hawai'i.



[Notary Signature]

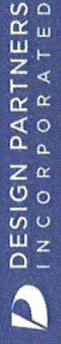
Printed Name: KA CHING L. HIGA
My commission expires: 2-10-2021



EXHIBIT 1



ROYAL KUNIA PHASE 2
MAY 26, 2020



CONCEPTUAL SITE PLAN

This exhibit is a work in progress and subject to change

FOR DISCUSSION PURPOSES ONLY

EXHIBIT 2



CONCEPTUAL
FOR DISCUSSION
PURPOSE ONLY

LANDSCAPE PLANTING OPTIONS

HO'OHANA SOLAR PLAN
SCHEMATIC DESIGN CONCEPTS

09.23.2020
0 200' 400'
SCALE: 1" = 200'-0"

EXHIBIT 30

PREPARED BY:
WILSON
ARCHITECTS

EXHIBIT 2

WEST BOUNDARY HEDGE



NATAL PLUM

HARVEST CROP



OPTION 1 - MAMAKI



OPTION 2 - COFFEE

PLANTING PALETTE

HO'OHANA SOLAR PLAN SCHEMATIC DESIGN CONCEPTS

09.23.2020

EXHIBIT 3

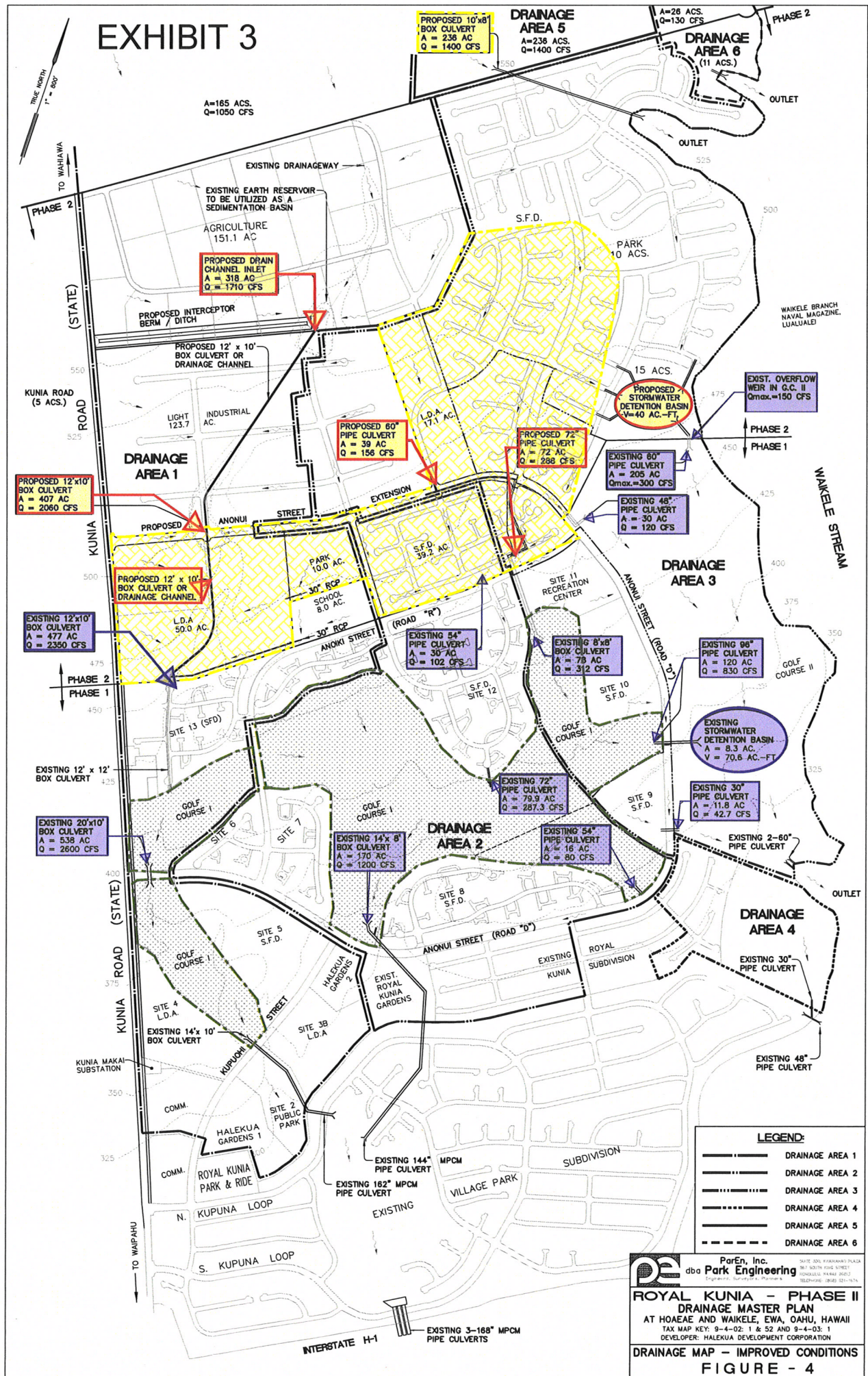


EXHIBIT 4

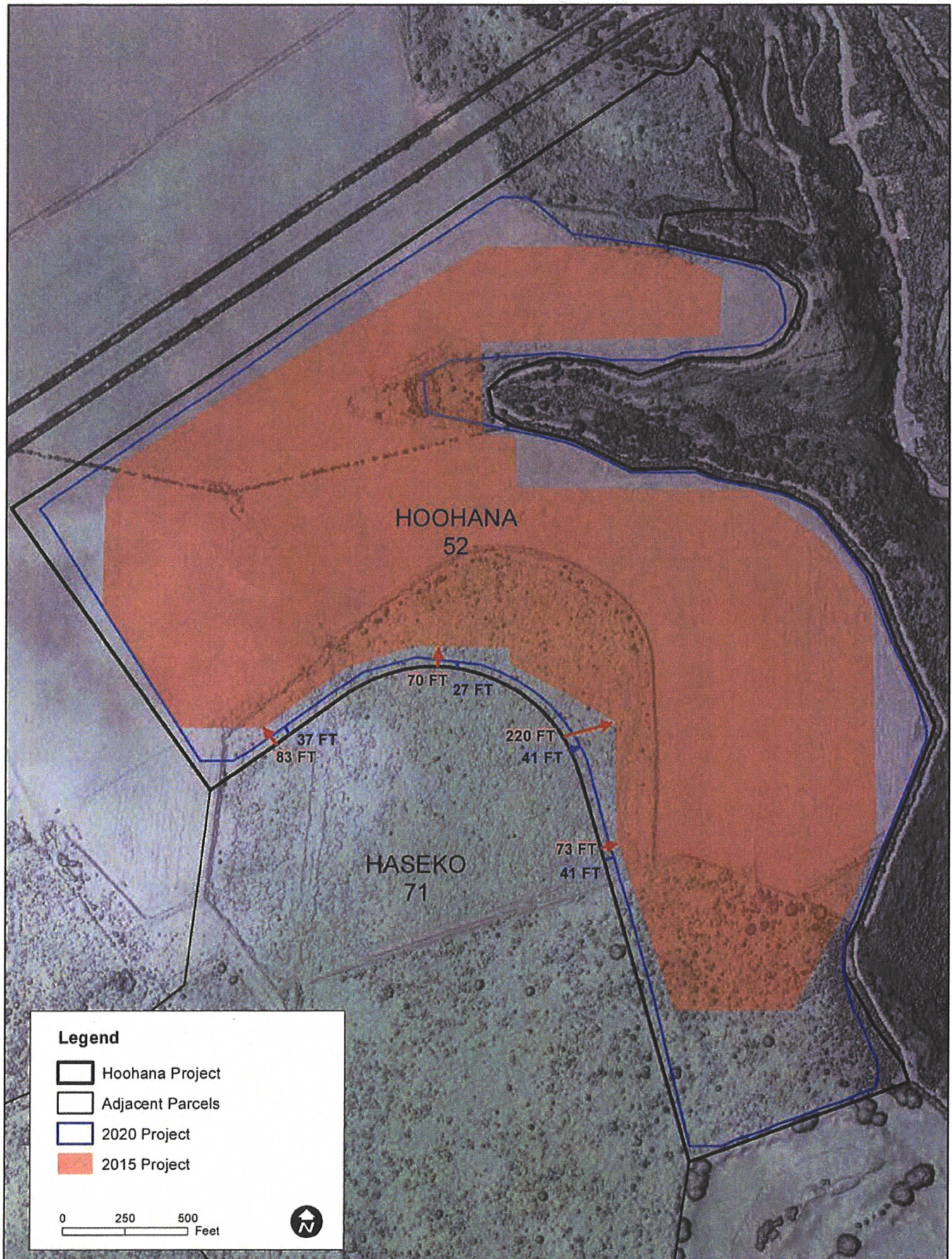


EXHIBIT 28

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. A92-683
	)	
HALEKUA DEVELOPMENT	)	
CORPORATION, a Hawai'i corporation	)	
	)	CERTIFICATE OF SERVICE
To Amend the Agricultural Land Use	)	
District Boundary into the Urban Land Use	)	
District for Approximately 503.886 Acres at	)	
Waikele and Ho'ae'ae, 'Ewa, O'ahu, City	)	
and County of Honolulu, State of Hawai'i,	)	
Tax Map Key No. 9-4-02: 1, portion 52, 70	)	
and 71	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date a copy of the foregoing document was served upon the following parties via U.S. mail, postage prepaid:

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DATED: Honolulu, Hawai'i, October 1, 2020.



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