

Water Conditions of Project Approvals

Ordinances Pertaining to Project District I - Manele

Ordinance #1578(1986) – A Bill for an Ordinance Relating to the Standards for the Project District At Manele, Lanai, and the Procedures for Project Districts

Slopes

12 to <15% slope – No more than 40 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

15 to <30% slope – No more than 30 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

30% slope or more – No more than 15 % of such shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

Wetlands –

Areas such as swamps, marshes, bogs, or other similar lands shall remain as permanent undisturbed open space

Woodlands

No more than 60% of existing woodland area shall be cleared. The remaining 40 % shall be maintained as permanent open space that may be enhanced by landscape planting as approved by the Planning Director.

Landscape Planting

Landscape planting is to be considered as an integral element to be utilized for visual screening, shade definition, and environmental control. The use of recycled water is to be considered for irrigation purposes.

Ordinance #2066(1991) – A Bill for an Ordinance Pertaining to the Use of Potable Water for Golf Courses - Restrictions on the Use of Potable Water for Golf Courses

Restrictions:

Permit application shall be transmitted to Department of Water Supply for its review and recommendations. The department shall consider whether potable water will be used for irrigation and other non-domestic purposes.

No permits shall be approved for any new golf course if potable water is to be used for irrigation and other non-domestic purposes.

If the State Commission on Water Resources Management designates as water management are pursuant to Chapter 174C, Hawaii Revised Statutes, withdrawals or diversions shall be pursuant to that chapter.

Ordinance #2132 – A Bill for an Ordinance Amending Title 19 of the Maui County Code, Pertaining to the PD –L/1 Project District for the Property Situated at Manele, Lanai, Hawaii

Irrigation

No high level ground water aquifer will be used for golf course maintenance or operation (other than as water for human consumption) and that all irrigation of the golf course shall be through alternative non potable water sources.

Slopes

12 to < 15% slope – No more than 40% of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of (Public Works) Planning .

15 to < 30% slope – No more than 30% of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of (Public Works) Planning .

30% slope or more – No more than 40% of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of (Public Works) Planning .

Wetlands

Areas such as swamps, marshes, bogs, or other similar lands shall remain as permanent undisturbed open space

Woodlands

No more than 60% of existing woodland area shall be cleared. The remaining 40% shall be maintained as permanent open space that may be enhanced by landscape planting as approved by the Planning Director.

Landscape Planting

Landscape planting is to be considered as an integral element to be utilized for visual screening, shade definition, and environmental control. The use of recycled water is to be considered for irrigation purposes.

Ordinance #2133(1992) – A Bill for an Ordinance to Establish Zoning in PD-L/1 (Manele) Project District (Conditional Zoning) for Property Situated at Manele, Lanai, Hawaii

Conditions: (Declarant)

Establish a loan fund of \$1M to be administered and managed by the Bank of Hawaii, in consultation with Lanai Resort Partners for the purpose of assisting current Lanai City merchants with improvements of their commercial facilities.

On a fee simple basis, donate at no cost and free and clear of all mortgage and lien encumbrances, 115 acres of land adjacent to the Lower Waialua SF site to the County.

On a fee simple basis, donate at no cost and free and clear of all mortgage and lien encumbrances, a minimum of an acre of land on Lanai to the County for use as a veterans' cemetery.

Consume a land exchange with the County for new police station upon terms and conditions acceptable to the declarant and the County.

Use only non-potable water as defined in Ordinance #2066 enacted by the county on 12/17/91, for the irrigation of the golf course in the Manele PD.

Make the Manele Golf course available for play to Lanai residents at a Kamaaina rate of 50% of the standard rate and for Hawaii residents at 60% of the standard rate.

Take appropriate preventive measures so that development, construction, operation, and maintenance activities in the Manele PD do not cause any deterioration in the Class AA water quality standards currently in existence at Hulopoe Bay and the coastal waters adjacent to the Manele Bay Hotel and the Manele Golf Course.

Provide additional non-potable sources of water as may be needed for Manele Golf Course irrigation after consultation with the State CWRM and DOH.

Comply with the environmental health concerns addressed, entitled “Twelve (12) Conditions Applicable to All New Golf Course Development dtd 1/92 issued by the State DOH. (copy attached)

Ordinance #2408(1995) – A Bill for an Ordinance Amending Chapter 19.70 of the Maui County Code, Pertaining to Irrigation in Lanai Project District I Manele

Effective 1/1/95, no potable water drawn from the high level aquifer may be used for irrigation of the golf course, driving range, and other associated landscaping. The total amount of non-potable water drawn from the high level aquifer that may be used for irrigation of the golf course, driving range, and other associated landscaping shall not exceed an average 650,000 gallons per day expressed as a moving annualized average using 13-28 day period rather an 12 calendar months or such other reasonable withdrawal as may be determined by the Maui County Council upon advice from its standing committee on water use.

Ordinance #2411(1995) – A Bill for an Ordinance to Establish the Project District Zoning (Conditional Zoning) in PD-L/1 (Manele) – Project District for Property Situated at Manele, Lanai

Conditions:

Water Resource Management Program be developed for the island and the Manele/Koele resorts and be submitted to the Planning Dept. and CWRM. Essential elements of the program shall include:

Study of the water resource which may include monitor wells, electromagnetic resistivity testing, complete and accurate records of the water budgets, rainfall, pan evaporation, consumptive use and pumping from each well source, in order to increase baseline data in regards to the island’s geomorphology and the sustainable yield and delineation of high level (potable) and alternative (brackish) sources.

Plan for the use of effluent and desalinized water within the resort.

Greater metering and monitoring of specific water uses in order to establish an island-wide pattern of consumption and to control incidents of unreasonable uses and leakage from the storage and distribution system.

Ordinances Pertaining to Project District I - Manele

A detailed study of the projected water consumption patterns in the Manele Resort along with a detailed management scheme to reduce consumption within the resort, including the use of low-flow devices and offering guidelines for landscaping with salinity and drought tolerant plants and grasses.

Covenants for limits on water consumption and irrigated areas for dwelling units and restrictions on other uses to be included as legally binding instruments on the property owners; and a management program established to administer and enforce the covenants.

The applicant shall request a cooperative monitoring agreement with the USGS, through either DWS of CWRM to enhance data gathering and analysis for the islands water resources.

The commercial use area designated in the project district shall be deleted from the Hulopoe Bay Park shoreline area.

A conceptual archeological preservation interpretation plan, including buffer zones and setbacks shall be reviewed by the Maui County Cultural Resources Commission and the Lanai Archeology Committee, before the Phase 2 Project District approval.

All SF dwelling units shall be used only for long-term residential use. At such time additional hotel units are constructed or provided within the project district, the use of MF units for short-term vacation use shall be discontinued.

The applicant shall provide to the State CWRM its 28 day water usage report of potable and non-potable water for the Manele Project District and shall immediately inform said commission of any withdrawal of potable and non-potable water from the high level aquifer in excess of 70% of the sustainable yield as determined by said commission for the island of Lanai.

The applicant shall defer all applications for any approvals for the development of residential units (SF/MF) in the Puupehe Peninsula and the area east of Manele Road in the Manele Project District until the appropriate use of the peninsula and the area east of Manele Road is determined by the enactment of the pending Lanai Community Plan by the Maui County Council.

The applicant may subdivide the agricultural classified lands in the additional area of the Manele PD pursuant to Section 18.16.270 (large lots) and shall defer all applications for any approvals for the development of the Ag classified area in the Manele PD that have not yet been reclassified to urban by the state Land Use Commission in its decision and order dtd Oct. 24, 1994, except that infrastructural improvements necessary to the residential subdivision in the urbanized area, such as but not limited to, drainage and erosion control, sewer force main, water main and roadways, are permitted until said areas are reclassified to urbanized area by the state Land Use Commission pursuant to the said decision and order and any amendment thereof. In the event of an amendment wherein a portion of the Ag area is reclassified to rural, the applicant shall be permitted to develop the newly reclassified urban area and

shall defer all applications for any approvals for the development of the newly reclassified rural area established by said amendment until said rural area is reclassified as heretofore stated in this condition.

Ordinance #2743(1998) – A Bill for an Ordinance Pertaining to the PD-L/1 Project District Situated at Manele, Lanai, Hawaii

Conditions: numbers 1 through 8 – same as in Ordinance #2411

No dwellings (residential units) on any kind shall be permitted within the open space designation in the Puupehe Peninsula. However, structures to promote cultural resources and preserve archaeological resources, based upon resource management plan for the area developed by the Cultural Resources Commission and the Hui Malama Pono O Lanai, shall be permitted.

Work with the Cultural Resources Commission and the Hui Malama Pono O Lanai organization to limit impacts of the MF project east of Manele Road to achieve the following:

Cultural protection of archeological sites at the Manele area proper.

Creation of a buffer zone at least 200 feet between the closest building the nearest heiau.

Completion of a drainage plan prior to construction, which would include addressing the adequacy of the siltation basin currently used to protect the small boat harbor

Hiring of Kupuna from Lanai to monitor the project's development during construction consistent with the current agreement with the Lanai Archeological Committee.

The designation of the 6.6 acre site from SF to hotel use shall not increase the total number of hotel units within the PD in accordance with the density standards provided in the PD ordinance.

Ordinances Pertaining to Project District I - Manele

Current Manele PD

Land Use Type	Acres	Max Density (units/ac)	= Max Units	Water or Density Conditions in Ordinance
SF - Residential	328.8	0.8576 net units /acre 6,000 sq. ft. lot minimum min width 60'	282	setbacks front 15, side 8, rear 10 for single story <7,500 sq. ft. ; front 20 for lots greater than 7,500 sq. ft.; side and rear 15' for second story of structure.
Multi-family	55	3.34 net units / acre min lot area 1 acre min lot width 120'	184	front 25', side and rear 15' for one story, side and rear 20' for 2 story.
Commercial	5.25	0.5 acres 75' wide min. max 60% coverage structures min 6' setback +		+ setbacks per requirement of adjacent land-use, but not less than 6'
Hotel	56.6	10 units per acre 5 acres 250' wide min. max 50% coverage	500*	front 50', side 30', rear 30' *Ordinance 2743 (1998) stipulated that additional 6.6 acres added to the hotel site should not be construed to mean that more hotel units were allowed.
Park	66.33	10 acres 350' wide min max lot coverage 2% structures min 50' setback		dedication of park required
Open Space	152.02			
Golf Course	172	50 ac. 9 hole, 110 ac. 18 hole structures min 50' setback		No potable water drawn from the high level aquifer to be used for irrigation of golf course, driving range and other associated landscaping. Non-potable water from the high level aquifer not to exceed 0.65 MGD, annualized avg. basis (13, 28-day periods)..except as allowed by Maui County Council upon advice of standing committee on water use.
Roads	32			
OTHER				no more than 60% of existing woodland area in project area shall be cleared. Rest shall remain as permanent undisturbed open space. Also 95% dunes OS, 95% ravines, all wetlands, all bluffs - permanent open space xeriscaping "encouraged", use of recycled water "considered" for irrigation purposes.

Ordinances Pertaining to Manele Land Use - Density and Acreage												
	ORDINANCE 1578 1986 DENSITY*			ORDINANCE 2132 1992 DENSITY*			ORDINANCE 2410 1995 DENSITY*			ORDINANCE 2743 1998 DENSITY*		
	= UNITS	(units per acre)	= UNITS	= UNITS	(units per acre)	= UNITS	= UNITS	(units per acre)	= UNITS	= UNITS	(units per acre)	= UNITS
SF RESIDENTIAL	137.00	2.50	342.50	121.00	2.84	343.64	379.00	0.86	325.03	328.80	0.86	281.98
MF RESIDENTIAL	18.60	4.00	74.40	18.60	4.00	74.40	30.00	3.34	100.20	55.00	3.34	183.70
COMMERCIAL	5.25	min area 0.5 ac max lot cov 60%		5.25	min area 0.5 ac max lot cov 60%		5.25	min area 0.5 ac max lot cov 60%		5.25	min area 0.5 ac max lot cov 60%	
HOTEL	50.00	10.00	500.00	50.00	10.00	500.00	50.00	10.00	500.00	56.60	10.00	500*
PARK	66.33	min 10 acs. 350' wide		66.33	min 10 acs. 350' wide		66.33	min 10 acs. 350' wide		66.33	min 10 acs. 350' wide	
GOLF COURSE	0.00			201.00	min 110 ac 18- hole		172.00	min 110 ac 18- hole		172.00	min 50 ac 9-hole min 110 ac 18-hole	
PUBLIC	4.25	min 2 acs. 50' setbacks		4.25	min 2 acs. 50' setbacks		4.25				min 2 acs. 50' setbacks	
OPEN SPACE	113.91			89.91			133.42			152.02		
ROADS							32.00			32.00		
TOTALS:												
Acreage	395.34			556.34			872.25			868.00		
Units:												
SFR			342.50			343.64			325.03			281.98
MFR			74.40			74.40			100.20			183.70
HOTEL			500.00			500.00			500.00			500*
Increases:				161.00			315.91			-4.25		
Notes:				although total acreage change reflected is 161, ord. #2133 added only 138.577 acres. zoning map 2607 reason for discrepancy not clear.			although acreage change reflected is 315.91, ord # 2411 established zoning for 319.447 acres. zoning map L26-10 reason for discrepancy not clear.			* ordinance states that addition of 6.6 acres to hotel site shall not increase total # of units land zoning map L-2613. Ord also lists total ac as 868, though sum seems to be 836.		

* for all conditions, see ordinance, units per acre only given here except where noted otherwise

Ordinances Pertaining to Project District 2 - Koele

Ordinance #1580(1986) – A Bill for an Ordinance Relating to Standards for the Project District at Koele, Lanai

Slopes

12 to <15% of Slope – No more than 40 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

15 to <30% of slope – No more than 30 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

30% slope or more – No more than 15 % of such shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

Wetlands

Areas such as swamps, marshes, bogs, or other similar lands shall remain as permanent undisturbed open space

Woodlands

No more than 60% of existing woodland area shall be cleared. The remaining 40 % shall be maintained as permanent open space that may be enhanced by landscape planting as approved by the Planning Director.

Landscape Planting

Landscape planting is to be considered as an integral element to be utilized for visual screening, shade definition, and environmental control.

Required Agreements:

A Bilateral agreement requiring the applicant to develop and coordinate a training program for all phases of hotel operations; provided that development other than hotel development within the PD may proceed before the agreement has been executed and

A bilateral agreement requiring the applicant to develop and coordinate an affordable housing program for residents of Lanai; provided that development other than hotel development within the PD may proceed before the agreement has been executed

Ordinance #2066(1991) – A Bill for an Ordinance Pertaining to the Use of Potable Water for Golf Courses

Restrictions:

Permit application shall be transmitted to Department of Water Supply for its review and recommendations. The department shall consider whether potable water will be used for irrigation and other non-domestic purposes.

No permits shall be approved for any new golf course if potable water is to be used for irrigation and other non-domestic purposes.

If the State Commission on Water Resources Management designates as water management are pursuant to Chapter 174C, Hawaii Revised Statutes, withdrawals or diversions shall be pursuant to that chapter.

This ordinance shall not be construed to prevent the use of reclaimed water for irrigation and other non-domestic purposes.

Ordinance #2139(1992) – A Bill for an Ordinance Amending Title 19 of the Maui County Code Pertaining to the PD-L/2 Project District for Property Situated at Koele, Lanai, Hawaii

Irrigation

No high level ground water aquifer will be used for golf course maintenance or operation (other than as water for human consumption) and that all irrigation of the golf course shall be through alternative non-potable water sources.

Slopes

12 to <15% of Slope – No more than 40 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

15 to <30% of slope – No more than 30 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

30% slope or more – No more than 15 % of such shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

Wetlands

Areas such as swamps, marshes, bogs, or other similar lands shall remain as permanent undisturbed open space

Woodlands

No more than 60% of existing woodland area shall be cleared. The remaining 40 % shall be maintained as permanent open space that may be enhanced by landscape planting as approved by the Planning Director.

Landscape Planting

Landscape planting is to be considered as an integral element to be utilized for visual screening, shade definition, and environmental control.

Ordinance #2407(1995) – A Bill for an Ordinance Amending Section 19.71.090 Koele Project District Standards Ordinance, Maui County Code

Slopes

12 to <15% of Slope – No more than 40 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

15 to <30% of slope – No more than 30 % of such are shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

30% slope or more – No more than 15 % of such shall be developed, re-graded, or stripped of vegetation unless approved by the Director of Public Works

Plans

A tract master plan shall be provided showing the building envelope, required setbacks and preliminary drainage plan for each lot within the given tract and shall be reviewed and approved by the Planning Department during Phase III PD review. The Planning Dept. may impose mitigative measures to ensure minimum subsidence and erosion on slopes exceeding 30% and on portions of the tract that are immediately adjacent to ravines. The tract master plan may include all or any part of the given tract, however, Phase III approval shall only apply to that part. Prior to the issuance of a building permit for a dwelling on a lot, the grading and erosion control plan for that lot shall be submitted to and approved by the Department of Public Works and Waste Management, which shall review the final grading plan in accordance with the following criteria:

Drainage

Individual lot drainage shall conform with the approved Phase III preliminary drainage plan

Erosion Control

Erosion control measures to prevent erosion and sedimentation into the adjoining natural drainage way during construction of the home and exterior improvements shall be specified

A plan shall be submitted for re vegetation of all disturbed and exposed slopes. This plan shall show how exposed surfaces will be planted and covered after construction to prevent erosion and sedimentation into the adjoining drainage way; and

The Planning Dept. may require additional information if deemed necessary to support any request for Phase III approval.

Wetlands

Areas such as swamps, marshes, bogs, or other similar lands shall remain as permanent undisturbed open space

Woodlands

No more than 60% of existing woodland area shall be cleared. The remaining 40 % shall be maintained as permanent open space that may be enhanced by landscape planting as approved by the Planning Director.

Landscape Planting

Landscape planting is to be considered as an integral element to be utilized for visual screening, shade definition, and environmental control. Furthermore, the use of recycled water is to be considered for irrigation purposes.

Ordinance #2514(1996) – A Bill for an Ordinance Amending Ordinance #2140 Pertaining to a Condition of the Establishment of Zoning (Conditional Zoning) in PD-L/2 (Koele) Project District for Property Situated at Koele, Lanai, Hawaii

The Declarant shall irrigate the Koele golf course with non-potable water, as defined in Ordinance #2066 enacted by the County on 12/7/91 (after the golf course has been operating for 5 years as provided by the Planning Commission on 11/28/89), except as may otherwise be provided by the provisions of the Maui County Code. Within 2 years of the effective date of this ordinance Lanai Company shall present to the Maui County council a report detailing:

A comprehensive plan to develop additional storage of water for Koele golf course irrigation.

The time frame within which the plan will be implemented.

Steps taken to implement the plan at the time the plan is submitted.

Ordinance #2515(1996) – A Bill for an Ordinance Amending Section 19.71.055 of the Maui County Code, Relating to Irrigation of the Koele Golf course (Lanai Project District PD-L/2) Located at Koele, Lanai, Hawaii

Irrigation

No high level ground water aquifer will be used for golf course maintenance or operation (other than as water for human consumption) and that all irrigation of the golf course shall be through alternative non-potable water sources, except as may be allowed from time to time as follows:

The director of the Dept. of Public Works and Waste Management, after notification of the chairperson and the deputy director of the CWRM, the chair of the Maui County Council, any appropriate subcommittee established under one of the Maui County Council's standing committees to review water related issues on Lanai, the chair of the Lanai Planning Commission, and other state and/or county officials as appropriate, may authorize the use of potable ground water from the high level aquifer if the director finds, in writing, there is an occurrence of an unanticipated event, including but not limited to:

- Chemical contamination of a non-potable source by chemicals not approved for application to golf courses in accordance with the Golf Course Superintendents Association of America standards; or
- Chemical contamination of a non-potable source resulting in chemical concentrations not approved for golf course application by the Golf Course Superintendents Association of America, excluding however, naturally occurring concentrations of chemicals or minerals; or
- A water transmission line break resulting in the interruption in the delivery of non-potable water for golf course irrigation; or
- Failure of the pumping system used to pump non-potable water; or
- A failure in the sewage reclamation systems which provide irrigation water for the golf course; or
- Draw-down of various lakes or reservoirs due to use of that water to fight fires or other similar emergencies; or
- Due to the failure of the main electrical power feed to facilities used to irrigate the golf course with non-potable water; and

Under no circumstances shall drought be deemed in an unanticipated event, such that a permit may be issued.

Prior to the director approving the use of potable high level aquifer ground water for golf course irrigation, the golf course owner shall have provided to the director:

- Materials, reports and other supporting document setting forth the facts and/or circumstances which gave rise to the immediate need for golf course irrigation with potable high level aquifer ground water;

-
-
- A plan showing that no continuous physical connection will be made between potable and non-potable water systems;
 - The remedial plan to restore the use of non-potable water in as short a time as possible, and shall include manufacturing and/or shipping times of various items needed for the restoration, as appropriate, and shall further indicate those items will be obtained and/or shipped by the most expeditious means available; and
 - A plan detailing how the following uses will be accommodated, including all sources from which water will be obtained (specifically addressing the use of existing reservoirs and lake water) and a watering/distribution plan, with the priority of uses as follows, such as being bases on a daily average of the historical record use over the prior 12 month period immediately preceding the unanticipated event:
 - Residential/domestic consumption (excluding irrigation uses);
 - Commercial, business, and resort consumption where potable water is necessarily used;
 - Agricultural consumption; and
 - Irrigation (including residential and large scale uses such as golf course). This part of the plan shall address the order in which the portions of the golf course shall cease to be watered as the situation continues.

The permit issued by the director shall:

Be issued only one time for any single unanticipated event and shall be valid for a period not to exceed 30 calendar days. The director may propose a longer period to the council and the council, by resolution, may indicate its concurrence with the director's determination that the permit should be issued for a period greater than 30 days. If the council does not concur, the permit shall be valid for a period not to exceed 30 days. The golf course owner is prohibited from applying for a new permit for the same unanticipated event where the original permit has expired and the remedial action has not been completed, and the director is prohibited from issuing any further permits for the same unanticipated event where the original permit has expired and the remedial action has not been completed;

Require the golf course owner to submit weekly reports to the director and the council regarding the status of the situation, efforts made to address the situation, and the amount of potable ground water used for the high level aquifer for that week. Meter readings shall be physically verified by the Dept of Public Works and Waste Management;

Include any condition or restrictions appropriate and reasonably related to the circumstances surrounding the use of high level aquifer potable ground water and the remedial work to be done, and also including the authority to impose a cap on the use of such water based on the historical monthly average of use on non-potable water, in an amount not to exceed 250,000 gpd.

A copy of the permit shall be transmitted to all persons notified pursuant to subsection D.1, above the same day it is issued.

Ordinance #2516(1996) – A Bill for an Ordinance Amending Title 19 of the Maui County Code, Pertaining to the Re-seeding or Re-grassing of the Golf Course Located in the PD-L/2 Project District for Property Situated at Koele, Lanai, Hawaii

Re-seeding or Re-grassing

Notwithstanding Ordinance #2066, at such time as the fairways at the golf course are to be re-seeded for re-grassed so as to provide the golf course with more efficient or better quality grass, the golf course owner may make a request of the County Council for the use of potable ground water from the high level aquifer in an amount up to 27,000 gpd to supplement irrigation water from alternative non-potable water sources, Such approval, shall be by resolution of the Council. Such additional water may be used for a period not to exceed 28 days per fairway. Only 1 fairway shall be irrigated with the additional water at any given time. No more than 4 fairways shall be re-seeded or re-grassed during any calendar year. Fairways shall only be re-seeded one time only under the provisions of this section. No continuous physical connection will be made between the potable and non-potable water systems. In determining whether or not to approve the golf course owner's request, the Council shall ensure that an adequate supply of water shall be available for golf course irrigation in accordance with the priority of uses as follows:

- Residential/domestic consumption (excluding irrigation uses);
- Commercial, business and resort consumption where potable water is necessarily used;
- Agricultural consumption; and
- Irrigation (including residential and large scale uses such as the golf course).

If during the re-seeding or re-grassing of a fairway, an unanticipated event occurs for which a permit is issued pursuant to Section D above, the golf course owner may continue to use potable water for re-seeding or re-grassing, but only to the extent that such cumulative total of potable water permitted to be used pursuant to Section D and this section does not exceed 250,000 gpd.

Resolution #01-146(9/7/2001) – Approving the Use of Potable Water from the High Level Aquifer for Re-seeding and Re-grassing Koele Golf Course during September and October 2001, Pursuant to Subsection 19.71.55(E), Maui County Code

Conditions: Castle & Cooke Resorts, LLC shall:

- promptly file with the County Clerk a completion bond for the repair of the sewage-treatment plant that serves the Koele golf course;
- repair the sewage-treatment plant that serves the Koele golf course within one year of this resolution's adoption;
- submit a water-storage master plan to the Council by March 1, 2002;
- install a separate water meter, as approved by the Department of Water Supply, prior to the use of potable water approved by this resolution to gauge such use; and
- allow for meter readings to be conducted and verified by two designated members of the Lanai Water Advisory Committee who are not employees of the Castle & Cooke Resorts, LLC or affiliated entities.

Ordinances Pertaining to Project District 2 - Koele

Koele PD History		
Year	Ordinance/ Approval #	Comment
1985	CIZ for Koele PD	Interim Urban to PD Requirements Included <ul style="list-style-type: none"> ◆ Resource Study ◆ Maintenance of accurate records ◆ Plans for effluent use & desalinized water ◆ Conservation Plan ◆ Legally binding covenants to limit water consumption ◆ Cooperative aquifer monitoring with USGS ◆ 28 day periodic water reports ◆ Detailed demand study
1986	1580	Established Koele PD - 468.3 Acres
1991	2066	Prohibits the Use of Potable Water on All Golf Courses
1992	2139	Increased Koele PD from 468.3 to 618 acres Added 332.4 acre golf course Deleted 201.5 acres of open space
1992	Phase II PD	Requirements Prior to Phase III Approval <ul style="list-style-type: none"> ◆ Detailed monitoring plan for metering - common areas to be metered separately ◆ Dual system for the GC to be submitted to DWS ◆ Approved xeriscape plan ◆ Use of low flow devices
1995	2407	Amends ordinance for tract master plan requirements Limits density of development on slopes of various grades Use of recycled water for irrigation to be considered No more than 60% of woodland to be cleared Cleared area shld be open space Retain minimum of 35% of tree canopy
1996	2514	Sets conditions in which potable water may be utilized on golf course Requires a comprehensive plan to develop additional storage for the GC Storage plan to include time frame and implementation steps
1996	2515	High level water not to be used for irrigation except as defined Sets triggers & requirements to allow 30 day permits for potable water use Un-anticipated events can be part of a trigger, but it is specified that Drought does NOT meet the criteria for un-anticipated event, Nor does it warrant use of the high level aquifer for GC irrigation
1996	2516	Enables GC owner to apply for up to 27,000 GPD per fairway to supplement non potable irrigation to establish new plantings Stipulates that only one fairway may be watered in this manner No more than four fairways per year to be watered this way Combined use of new fairway establishment and emergencies defined in 2515 should not exceed a total of 250,000 GPD
2001	Res 01-146	Issues temporary permit for use of high level water for re-grassing. Requirements: <ul style="list-style-type: none"> ◆ Bond repairs to wastewater treatment facility ◆ Implement repairs to WWTF within one year ◆ Submit water storage master plan by March of 2002 ◆ Install separate meter to monitor use of high level water and coordinate with LWAC so that LWAC members can monitor/read it

