

REQUEST FOR LEGAL SERVICES

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By The Dept. of the Corporation Counsel at 8:13 am, Oct 02, 2018

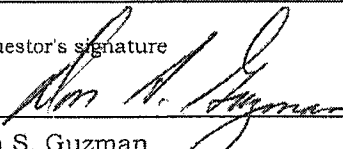
Date: October 1, 2018
From: Don S. Guzman, Chair
Parks, Recreation, Energy, and Legal Affairs Committee

TRANSMITTAL
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Mimi DesJardins, Esq.

Subject: AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO EXCEPTIONAL TREES (PRL-43)

Background Data: Please incorporate the minor revisions noted on the attached markup of the proposed bill and return a revised proposed bill, approved as to form and legality. A hard copy is requested with your response.

Work Requested: FOR APPROVAL AS TO FORM AND LEGALITY
 OTHER:

Requestor's signature  Don S. Guzman	Contact Person Carla Nakata (Telephone Extension: 7659)
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RECEIVED
2018 OCT -2 PM 12:51
OFFICE OF THE
COUNTY COUNSEL

- ROUTINE (WITHIN 15 WORKING DAYS)
- PRIORITY (WITHIN 10 WORKING DAYS)
- RUSH (WITHIN 5 WORKING DAYS)
- URGENT (WITHIN 3 WORKING DAYS)

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 9, 2018
REASON: For possible posting on the Committee's October 16, 2018 meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MDJ	ASSIGNMENT NO. 2017-0099	BY: LUV
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TO REQUESTOR: APPROVED DISAPPROVED OTHER (SEE COMMENTS BELOW)
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date Oct 01 2018

By MIMI DESJARDINS

(Rev. 7/03)

prl:ltr:043acc01:cmn

Attachment

ORDINANCE NO. _____

BILL NO. _____ (2018)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 12.24A, MAUI COUNTY CODE, RELATING TO EXCEPTIONAL TREES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Section 12.24A.055, Maui County Code, is amended by amending subsection E to read as follows:

“E. List of [Exceptional Trees.] exceptional trees. The trees in this section are designated as exceptional trees of the County of Maui:

Name of Tree (scientific, common)	Location, [Description, Size] description, size	Tax map key (if available)
Ala`a, Pouteria sandwicensis	D.T. Fleming Arboretum, Kanaio; [The] larger of two trees; [Height] <u>height</u> 25 feet, [Diameter] <u>diameter</u> 16.5 inches, [Crown] <u>crown</u> spread 30 feet	(2) 2-1-009:017
Alani, Melicope knudsenii	D.T. Fleming Arboretum, Kanaio; [Planted] <u>planted</u> in 1953 from seeds gathered from Auwahi slopes of Haleakala; [Height] <u>height</u> 20 feet, [Diameter] <u>diameter</u> 9.5 inches, [Crown] <u>crown</u> spread 20 feet	(2) 2-1-009:017
Banyan, Ficus sp.	Former Pau Hana Inn, Kaunakakai, Molokai; [Large] <u>large</u> spreading tree with an attractive fluted trunk; [Height] <u>height</u> 60 feet, [Diameter] <u>diameter</u> 216 inches, [Crown] <u>crown</u> spread 135 feet	(2) 5-3-006:028
Bermuda Juniper, Juniperus bermudiana	Souder residence, 3145 Baldwin Avenue, Makawao; [At] <u>at</u> least 90 years old;	(2) 2-4-002:014

	[Height] <u>height</u> 45 feet, [Diameter] <u>diameter</u> 61 inches, [Crown] <u>crown</u> spread 70 feet	
Breadfruit, Ulu, Artocarpus altilis	Baldwin House, Lahaina; [Height] <u>height</u> 45 feet, [Diameter] <u>diameter</u> 33 inches, [Crown] <u>crown</u> spread 36 feet	(2) 4-6-008:007
California Featherduster [palm,] <u>Palm</u> , Washingtonia filifera	Hale Paahao, Lahaina; [Located] <u>located</u> on the old prison grounds; [Height] <u>height</u> 40 feet, [Diameter] <u>diameter</u> 23 inches, [Crown] <u>crown</u> spread 12 feet	(2) 4-6-008:044
California Pepper Tree, Schinus molle	406 Lower Kimo Drive, Kula; Male tree planted in 1957 by Jack and Loraine Clayton at the first house built on Lower Kimo Drive; [Height] <u>height</u> 50 feet, [Diameter] <u>diameter</u> 53 inches, [Crown] <u>crown</u> spread 85 feet	(2) 2-3-015:020
Chinese Banyan, Ficus microcarpa	Kalana Pakui Building, Wailuku; [Planted] <u>planted</u> by Dr. Hilario Moncado in 1937; [Height] <u>height</u> 65 feet, [Diameter] <u>diameter</u> 95 inches, [Crown] <u>crown</u> spread 100 feet	(2) 3-4-008:042
Hala (spineless) (5 stands), <u>Pandanus</u> <u>tectorius</u>	Old Maui High School campus, Hamakuapoko, Makawao; <u>height</u> 25 feet, <u>diameter</u> multi trunks, <u>crown</u> spread 20 feet (averages)	(2) 2-5-004:014
Halapepe (2 trees), <u>Chrysodracon</u> <u>auwahiensi</u>	D.T. Fleming Arboretum, Kanaio; <u>height</u> 21 feet, <u>diameter</u> 2 feet, <u>crown</u> spread 15 feet (averages)	(2) 2-1-009:017
Indian Banyan, Ficus benghalensis	Lahaina Court House Square, listed on National Register of Historic Places; [Planted] <u>planted</u> April 24, 1873 by William O. Smith, [Sheriff] <u>sheriff</u> of Lahaina; [Height] <u>height</u> 50 feet, [Diameter] <u>diameter</u> 180 inches near ground level (10 trunks), [Crown] <u>crown</u> spread 225 feet	(2) 4-6-001:009

India Rubber Tree, <i>Ficus elastica</i>	Souder residence, 3145 Baldwin Avenue, Makawao; [At] <u>at</u> least 90 years old; [Height] <u>height</u> 56 feet, [Diameter] <u>diameter</u> 88 inches, [Crown] <u>crown</u> spread 135 feet	(2) 2-4-002:014
Jacaranda, <i>Jacaranda mimosifolia</i>	165 Hanamu Road, Makawao; The blooms of the spreading canopy and its pastoral setting are the subject of many artists' canvas; [Height] <u>height</u> 60 feet, [Diameter] <u>diameter</u> 63.5 inches, [Crown] <u>crown</u> spread 103 feet	(2) 2-4-010:001
Kiawe, <i>Prosopis pallida</i>	Honoapiilani Highway, [Oceanside] <u>oceanside</u> near mile marker 11; [Historic] <u>historic</u> landmark at ocean's edge with two dominant lateral branches and a horizontal branch that reaches over the water; [Height] <u>height</u> 30 feet, [Diameter] <u>diameter</u> 102 inches, [Crown] <u>crown</u> spread 50 feet	(2) 3-6-001:013
<u>Kokio (4 trees), <i>Kokia cookei</i></u>	<u>D.T. Fleming Arboretum, Kanaio; height 15 feet, diameter 3 inches, crown spread 6 feet (averages)</u>	<u>(2) 2-1-009:017</u>
Kou, <i>Coria subcordata</i>	Baldwin House, Lahaina; [Height] <u>height</u> 35 feet, [Diameter] <u>diameter</u> 22 inches, [Crown] <u>crown</u> spread 45 feet	(2) 4-6-008:007
<u>Loulu Palm, <i>Pritchardia arecina</i></u>	<u>D.T. Fleming Arboretum, Kanaio; height 17 feet, diameter 7 inches, crown spread 16 feet</u>	<u>(2) 2-1-009:017</u>
<u>Loulu Palm, <i>Pritchardia forbesiana</i></u>	<u>D.T. Fleming Arboretum, Kanaio; height 21 feet, diameter 6 inches, crown spread 12 feet</u>	<u>(2) 2-1-009:017</u>
Loulu <u>Palm</u> , <i>Pritchardia forbesiana</i>	D.T. Fleming Arboretum, Kanaio; [Largest] <u>largest</u> of four trees; [Height] <u>height</u> 25 feet, [Diameter] <u>diameter</u> 10.5 inches, [Crown] <u>crown</u> spread 12 feet	(2) 2-1-009:017
<u>Mango (11 trees), <i>Mangifera</i> (assorted)</u>	<u>Old Maui High School campus, Hamakuapoko, Makawao;</u>	<u>(2) 2-5-004:014</u>

	<u>height 40 feet, diameter 25 inches, crown spread 35 feet (averages)</u>	
Mexican Featherduster, Washingtonia robusta	Hale Paahao, Lahaina; On old prison grounds; [Height] <u>height 55 feet,</u> [Diameter] <u>diameter 16 inches,</u> [Crown] <u>crown spread 10 feet</u>	(2) 4-6-008:044
<u>Monkey Pod (290 trees), Samanea saman</u>	<u>4.32 mile stretch of Honoapiilani Highway with approximately 290 monkey pod trees on South High Street, in front of the Wailuku Public Library and the old Wailuku Court House, makai of High Street at the Wells intersection; height 50 feet, diameter 24-40 inches, crown spread 80 feet</u>	<u>Not applicable</u>
<u>Monkey Pod (8 trees), Samanea saman</u>	<u>Old Maui High School campus, Hamakuapoko, Makawao; height 35-50 feet, diameter 33-120 inches, crown spread 72-75 feet (averages)</u>	(2) 2-5-004:014
Monkey Pod, Samanea, saman	Kaahumanu Church, Wailuku; [Height] <u>height 40 feet,</u> [Diameter] <u>diameter 78 inches,</u> [Crown] <u>crown spread 95 feet</u>	(2) 3-4-014:002
Monkey Pod, Samanea saman	Manager's residence, Kaanapali Kai, Inc., 2145 Wells St., Ste. 301, Wailuku; [Height] <u>height 50 feet,</u> [Diameter] <u>diameter 57 inches,</u> [Crown] <u>crown spread 130 feet</u>	(2) 3-4-014:060
<u>Monkey Pod (10 trees), Samanea saman</u>	<u>940 South Kihei Road, Kihei; height 30 feet, diameter 20 inches, crown spread 30 feet</u>	(2) 3-9-001:006
[Monkeypod] <u>Monkey Pod, Samanea saman</u> (stand of 4)	980 South Kihei Road, Kihei; [Large,] <u>large, beautiful shade trees, aesthetic quality;</u> [Height] <u>height 25 feet (average),</u> [Diameter] <u>diameter 16-22 inches,</u> [Crown] <u>crown spread 25 feet</u>	(2) 3-9-011:004-0000

Monkey Pod, <i>Samanea saman</i>	Hale Paahao, Lahaina; [Old] <u>old</u> prison grounds; [Height] <u>height</u> 60 feet, [Diameter] <u>diameter</u> 69 inches, [Crown] <u>crown</u> spread 100 feet	(2) 4-6-008:044
Monkey Pod (187 trees), <u><i>Samanea saman</i></u>	<u>Honoapiilani Highway from the north mile marker 16 to Luawa Street on the south in Olowalu;</u> <u>height 80 feet, diameter 18 inches to 11 feet, crown spread up to 80 feet</u>	(2) 4-8-003:034
ʻOhe (2 trees), <i>Tetraplasandra hawaiiensis</i>	D.T. Fleming Arboretum, Kanaio; [Planted] <u>planted</u> by D.T. Fleming; [Height] <u>height</u> 65 feet, [Diameter] <u>diameter</u> 35.5 inches; [Crown] <u>crown</u> spread 45 feet (larger of 2 trees)	(2) 2-1-009:017
Ohia, <i>Metrosideros polymorpha</i>	Waikamoi Preserve, Haleakala Ranch; [Aged] <u>aged</u> over 600 years, the largest and oldest known specimen on Maui of this culturally significant species; [Height] <u>height</u> 80 feet, [Diameter] <u>diameter</u> 47 inches, [Crown] <u>crown</u> spread 108 feet	(2) 2-3-05:004
<u>Plumeria (11 trees),</u> <u>Frangipani (assorted)</u>	<u>Old Maui High School campus, Hamakuapoko, Makawao;</u> <u>height 20 feet, diameter 19 inches, crown spread 15 feet (averages)</u>	(2) 2-5-004:014
Podocarpus, <i>Afrocarpus falcatus</i>	D.T. Fleming Arboretum, Kanaio; [Larger] <u>larger</u> of two trees; [Planted] <u>planted</u> by D.T. Fleming; [Height] <u>height</u> 70 feet, [Diameter] <u>diameter</u> 57 inches, [Crown] <u>crown</u> spread 70 feet	(2) 2-1-009:017

Rainbow [shower,] <u>Shower</u> , <i>Cassia x nealiae</i> (85 trees)	A 6.7 mile stretch of Baldwin Avenue starting at 0.5 miles from intersection of Hana Highway on Baldwin Avenue, Paia, and ending below `A`ala Place, Makawao; [Planted] <u>planted</u> by Ethel Baldwin and later by Mayor Hannibal Tavares; [Height] <u>height</u> 35 feet, [Diameter] <u>diameter</u> 15 inches, [Crown] <u>crown</u> spread 30 feet	
Royal Palm (23 trees), <u>Roystonea regina</u>	Wailuku Elementary School, Wailuku; [Around] <u>around</u> school entrance; [Height] <u>height</u> 50 feet, [Diameter] <u>diameter</u> 15 inches, [Crown] <u>crown</u> spread 20 feet	(2) 3-4-007:001
Royal Palm, <i>Roystonea regina</i>	Hale Paahao, Lahaina; [Old] <u>old</u> prison grounds; [Height] <u>height</u> 50 feet, [Diameter] <u>diameter</u> 22 inches, [Crown] <u>crown</u> spread 17 feet	(2) 4-6-008:044
Royal Palm (20 trees), <i>Roystonea regina</i>	Entrance to Lahainaluna High School, Lahaina; [Height] <u>height</u> 40 feet, [Diameter] <u>diameter</u> 16 inches, [Crown] <u>crown</u> spread 15 feet	(2) 4-6-018:005
Royal Palm (18 trees), <u>Roystonea regia</u>	Old Maui High School campus, Hamakuapoko, Makawao; <u>height 30 feet, diameter 20 inches, crown spread 20 feet (averages)</u>	(2) 2-5-004:014
True Kamani, <i>Calophyllum inophyllum</i>	Lahainaluna High School, Lahaina; [Height] <u>height</u> 60 feet, [Diameter] <u>diameter</u> 60 inches, [Crown] <u>crown</u> spread 80 feet	(2) 4-6-018:012
True Kamani, <i>Calophyllum inophyllum</i>	Old Hana School, Hana; [Over] <u>over</u> 90 years old; [Fronting] <u>fronting</u> the school; [Height] <u>height</u> 31 feet, [Diameter] <u>diameter</u> 72.6 inches, [Crown] <u>crown</u> spread 101 feet	(2) 1-4-004:030
West India Locust, <i>Hymenaea courbaril</i>	Manager's residence, Kaanapali Kai, Inc., 2145 Wells St., Ste. 301, Wailuku;	(2) 3-4-014:060

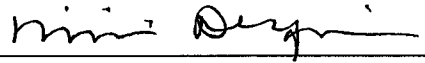
	[Height] <u>height</u> 75 feet, [Diameter] <u>diameter</u> 39 inches, [Crown] <u>crown</u> spread 80 feet	
<u>Wiliwili (4 trees), Erythrina sandwicensis</u>	<u>Kuheia LZ1, Luamakika, Kaho'olawe; height 7 feet, diameter 23 inches, crown spread 16 feet</u>	<u>Not applicable</u>

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SECTION 2. New material is underscored. Material to be repealed is bracketed. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



MIMI DESJARDINS
 Department of the Corporation Counsel
 County of Maui
 LF 2018-0983/2017-0099
 PRL-43 2018-10-02 Ord Chap 12.24A