

# REQUEST FOR LEGAL SERVICES

**RECEIVED**

By The Dept. of the Corporation Counsel at 10:44 am, Oct 17, 2018

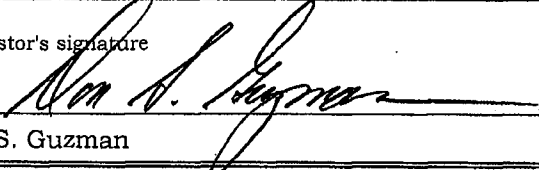
**Date:** October 17, 2018  
**From:** Don S. Guzman, Chair  
Parks, Recreation, Energy, and Legal Affairs Committee

TRANSMITTAL  
**Memo to:** DEPARTMENT OF THE CORPORATION COUNSEL  
Attention: Jerrie Sheppard, Esq.

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

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

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

Requestor's signature 	Contact Person Carla Nakata (Telephone Extension: 7659)
Don S. Guzman	

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

SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES): October 24, 2018  
REASON: To submit for posting on the Council's November 2, 2018 meeting agenda.

### FOR CORPORATION COUNSEL'S RESPONSE

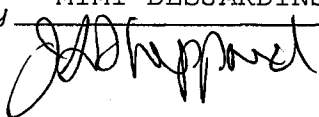
ASSIGNED TO: MDJ	ASSIGNMENT NO. 2017-0099	BY: LUV
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TO REQUESTOR:  APPROVED  DISAPPROVED  OTHER (SEE COMMENTS BELOW)  
 RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):  
Changes made: Removed "(go trees)" in item 2 on pg 4,  
Corrected spelling of "Luuwai" in item 2 on pg 5.

DEPARTMENT OF THE CORPORATION COUNSEL

Date 10/23/18

By MIMI DESJARDINS  


(Rev. 7/03)

prl:ltr:043acc02: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:

<b>Name of Tree (scientific, common)</b>	<b>Location, [Description, Size] description, size</b>	<b>Tax map key (if available)</b>
Ala`a, Pouteria sandwicensis	D.T. Fleming Arboretum, Kanaio; <del>[The]</del> larger of two trees; <del>[Height]</del> <u>height</u> 25 feet, <del>[Diameter]</del> <u>diameter</u> 16.5 inches, <del>[Crown]</del> <u>crown</u> spread 30 feet	(2) 2-1-009:017
Alani, Melicope knudsenii	D.T. Fleming Arboretum, Kanaio; <del>[Planted]</del> <u>planted</u> in 1953 from seeds gathered from Auwahi slopes of Haleakala; <del>[Height]</del> <u>height</u> 20 feet, <del>[Diameter]</del> <u>diameter</u> 9.5 inches, <del>[Crown]</del> <u>crown</u> spread 20 feet	(2) 2-1-009:017
Banyan, Ficus sp.	Former Pau Hana Inn, Kaunakakai, Molokai; <del>[Large]</del> <u>large</u> spreading tree with an attractive fluted trunk; <del>[Height]</del> <u>height</u> 60 feet, <del>[Diameter]</del> <u>diameter</u> 216 inches, <del>[Crown]</del> <u>crown</u> spread 135 feet	(2) 5-3-006:028
Bermuda Juniper, Juniperus bermudiana	Souder residence, 3145 Baldwin Avenue, Makawao; <del>[At]</del> <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
<u>Hala (spineless) (5 stands), Pandanus tectorius</u>	<u>Old Maui High School campus, Hamakuapoko, Makawao; height 25 feet, diameter multi trunks, crown spread 20 feet (averages)</u>	<u>(2) 2-5-004:014</u>
<u>Halapepe (2 trees), Chrysodracon auwahiensi</u>	<u>D.T. Fleming Arboretum, Kanaio; height 21 feet, diameter 2 feet, crown spread 15 feet (averages)</u>	<u>(2) 2-1-009:017</u>
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, 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 (stand of 4)</u>	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
<u>Monkey Pod (187 trees), <i>Samanea saman</i></u>	<u>Honoapiilani Highway from the north mile marker 16 to Luawai Street on the south in Olowalu; height 80 feet, diameter 18 inches to 11 feet, crown spread up to 80 feet</u>	(2) 4-8-003:034
Ohe (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), <i>Frangipani</i> (assorted)</u>	<u>Old Maui High School campus, Hamakuapoko, Makawao; 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, Cassia x</u> <u>nealiae</u> (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, Roystonea regina	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), Roystonea regina	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
<u>Royal Palm (18 trees),</u> <u>Roystonea regia</u>	<u>Old Maui High School campus,</u> <u>Hamakuapoko, Makawao;</u> <u>height 30 feet, diameter 20</u> <u>inches, crown spread 20 feet</u> <u>(averages)</u>	(2) <u>2-5-004:014</u>
True Kamani, Calophyllum inophyllum	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, Calophyllum inophyllum	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, Hymenaea courbaril	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>

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 2018-10-22 Ord Chap 12.24A