

REQUEST FOR LEGAL SERVICES

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

TRANSMITTAL

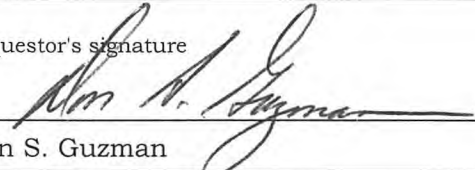
Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Mimi DesJardins, Esq.

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 <u>Carla Nakata</u> (Telephone Extension: 7659)
---	--

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 9, 2018

REASON: For possible posting on the Committee's October 16, 2018 meeting agenda.

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO:	ASSIGNMENT NO.	BY:
--------------	----------------	-----

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 _____

By _____

(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] in 1953 from seeds <u>planted</u> 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

India Rubber Tree, Ficus elastica	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, Jacaranda mimosifolia	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, Prosopis pallida	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
Kokio (4 trees), Kokia cookei	D.T. Fleming Arboretum, Kanaio; <u>height</u> 15 feet, <u>diameter</u> 3 inches, <u>crown</u> spread 6 feet (averages)	(2) 2-1-009:017 ✓
Kou, Coria subcordata	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
Loulu Palm, Pritchardia arex cina	D.T. Fleming Arboretum, Kanaio; <u>height</u> 17 feet, <u>diameter</u> 7 inches, <u>crown</u> spread 16 feet	(2) 2-1-009:017 ✓
Loulu Palm, Pritchardia forbesiana	D.T. Fleming Arboretum, Kanaio; <u>height</u> 21 feet, <u>diameter</u> 6 inches, <u>crown</u> spread 12 feet	(2) 2-1-009:017 ✓
Loulu ^{Palm} Pritchardia forbesiana	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
Mango (11 trees), Mangifera (assorted)	Old Maui High School campus, Hamakuapoko, Makawao;	(2) 2-5-004:014 ✓

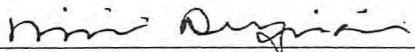
Monkey Pod, <i>Samanea saman</i>	Hale Paahao, Lahaina; [Old] <u>old</u> prison grounds; [Height] <u>height</u> 60 feet, [Diameter] <u>diameter</u> 69 inches, [Crown] <u>crown</u> spread 100 feet	(2) 4-6-008:044
<u>Monkey Pod (187 trees), <i>Samanea saman</i></u>	<u>Honoapiilani Highway from the north mile marker 16 to Luawa 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

	[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
 2018-07-30 Ordinance