

COUNCIL OF THE COUNTY OF MAUI

**ECONOMIC DEVELOPMENT, ENERGY,
AGRICULTURE, AND RECREATION
COMMITTEE**

December 19, 2014

**Committee
Report No. _____**

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Economic Development, Energy, Agriculture, and Recreation Committee, having met on November 18, 2014, makes reference to County Communication 12-5, from the Director of Parks and Recreation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI".

The purpose of the proposed bill is to add certain trees designated by the Maui County Arborist Committee ("Arborist Committee"), to the list of exceptional trees in the County ("list"), pursuant to Section 12.24A.030(C)(8), Maui County Code ("MCC").

Your Committee notes Section 12.24A.030(C)(8), MCC, specifies procedures for adding exceptional trees to the list, as well as removing trees from the list if the trees are found to be dangerous or diseased beyond repair, in response to the recommendations of the Arborist Committee.

Your Committee considered a package of recommendations regarding trees to be added to, and deleted from, the list, together with supporting information received from the Arborist Committee.

At the request of the Chair of your Committee, the Department of the Corporation Counsel transmitted a revised proposed bill, approved as to form and legality, incorporating the recommendations of the Arborist Committee, as follows:

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Additions	Deletions
Monkeypod, (stand of 4) 980 South Kihei Road	Morton Bay Fig Old Baldwin Manor
Monkeypod, (stand of 10) 940 South Kihei Road	True Kamani (delete 1 of 2) Lahainaluna High School
India Rubber Tree 3145 Baldwin Avenue	Podocarpus (delete 1 (female) of 2) Martha Vockrodt Moran, Makawao
Bermuda Juniper 3145 Baldwin Avenue	
Ohia Lehua Waikamoi Preserve	

The purpose of the revised proposed bill is to add certain trees designated by the Arborist Committee to the list, and remove certain trees from the list, based on the recommendations of the Arborist Committee.

The Arborist Chair informed your Committee the trees nominated for inclusion on the list were chosen according to their historic or cultural value, age, rarity, location, size, aesthetic quality, or endemic status as worthy of preservation pursuant to Section 12.24A.030(C)(8)(a), MCC.

With regard to the stand of four monkeypod trees, the Arborist Chair added there are no shade trees in South Maui that have been designated as exceptional trees to date. The Arborist Committee's nomination of these trees was based on size and aesthetic qualities.

The Arborist Chair explained that recommendations for deletion were made for trees that are dangerous or diseased beyond repair.

The Interim Director of Parks and Recreation stated the Department supports the proposed bill generally. She said the Department would defer to the Department of Public Works with regard to the monkeypod trees on South Kihei Road.

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The Deputy Director of Public Works informed your Committee the Department conducted surveys that determined the nominated trees on South Kihei Road were within the public right-of-way. She also indicated designation of the trees as “exceptional” could have some effect on future reconstruction projects by potentially triggering Federal review requirements and analysis of alternatives for the projects. However, she added the Department would have to conduct an environmental assessment in any event.

The Deputy Director also stated the designation of exceptional trees along South Kihei Road might require shifting of a reconstruction project to the mauka side of the road, together with condemning needed land.

The Arborist Chair said that relocation of these trees in the future, as necessary, would be acceptable to the Arborist Committee.

Your Committee expressed concerns about the deteriorating condition of sidewalks along South Kihei Road where tree roots have caused some buckling. The Deputy Director informed your Committee the Department replaced the concrete sidewalks with asphalt because asphalt is more flexible.

Your Committee recommended separating the recommendations into eight bills in order to allow individual consideration of each nomination.

Your Committee voted 4-2 to recommend passage on first reading of the revised proposed bill to add to the list the Monkeypod (stand of four trees), *Samanea saman*, 980 South Kihei Road. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran and Crivello voted “aye”. Committee members Victorino and White voted “no”. Committee member Baisa was excused.

Your Committee voted 6-0 to recommend passage on first reading of the revised proposed bill to add to the list the India Rubber Tree, *Ficus elastica*, 3145 Baldwin Avenue. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran, Crivello, Victorino, and White voted “aye”. Committee member Baisa was excused.

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Your Committee voted 6-0 to recommend passage on first reading of the revised proposed bill to add to the list the Bermuda Juniper Tree, *Juniperus bermudiana*, 3145 Baldwin Avenue. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran, Crivello, Victorino, and White voted "aye". Committee member Baisa was excused.

Your Committee voted 6-0 to recommend passage on first reading of the revised proposed bill to add to the list the Ohia Tree, *Metrosideros polymorpha*, Waikamoi Preserve. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran, Crivello, Victorino, and White voted "aye". Committee member Baisa was excused.

Your Committee voted 6-0 to recommend passage on first reading of the revised proposed bill to delete from the list the Moreton Bay Fig Tree, *Ficus macrophylla*, Old Baldwin Manor. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran, Crivello, Victorino, and White voted "aye". Committee member Baisa was excused.

Your Committee voted 6-0 to recommend passage on first reading of the revised proposed bill to delete from the list one of the True Kamani trees, *Calophyllum inophyllum*, Lahainaluna High School. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran, Crivello, Victorino, and White voted "aye". Committee member Baisa was excused.

Your Committee voted 6-0 to recommend passage on first reading of the revised proposed bill to delete from the list one (the female) of the Podocarpus trees, *Afrocarpus falcatus*, Martha Vockrodt Moran, Makawao. Committee Chair Guzman, Vice-Chair Carroll, and members Cochran, Crivello, Victorino, and White voted "aye". Committee member Baisa was excused.

Your Committee took no action with regard to the revised proposed bill to add to the list, the Monkeypod (stand of 10 trees) *Samanea saman*, 940 South Kihei Road.

Your Committee is in receipt of the following revised proposed bills, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions and nonsubstantive revisions.

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1. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ITEM M-1, A MORETON BAY FIG LOCATED AT THE OLD BALDWIN MANOR";
2. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO TRUE KAMANI TREES LISTED IN ITEM M-17";
3. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO PODOCARPUS TREES LISTED IN ITEM M-21";
4. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING A STAND OF FOUR MONKEYPOD TREES LOCATED ON SOUTH KIHEI ROAD";
5. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN INDIA RUBBER TREE LOCATED ON BALDWIN AVENUE";
6. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING A BERMUDA JUNIPER LOCATED ON BALDWIN AVENUE"; and
7. "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN OHIA TREE LOCATED IN THE WAIKAMOI PRESERVE".

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Your Economic Development, Energy, Agriculture, and Recreation Committee
RECOMMENDS the following:

1. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ITEM M-1, A MORETON BAY FIG LOCATED AT THE OLD BALDWIN MANOR", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO TRUE KAMANI TREES LISTED IN ITEM M-17", be PASSED ON FIRST READING and be ORDERED TO PRINT;
3. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO PODOCARPUS TREES LISTED IN ITEM M-21", be PASSED ON FIRST READING and be ORDERED TO PRINT;
4. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING A STAND OF FOUR MONKEYPOD TREES LOCATED ON SOUTH KIHEI ROAD", be PASSED ON FIRST READING and be ORDERED TO PRINT;

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5. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN INDIA RUBBER TREE LOCATED ON BALDWIN AVENUE", be PASSED ON FIRST READING and be ORDERED TO PRINT;
6. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING A BERMUDA JUNIPER LOCATED ON BALDWIN AVENUE", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
7. That Bill _____ (2014), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN OHIA TREE LOCATED IN THE WAIKAMOI PRESERVE", be PASSED ON FIRST READING and be ORDERED TO PRINT.

This report is submitted in accordance with Rule 8 of the Rules of the Council.



DON S. GUZMAN, Chair

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010),
RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING
ITEM M-1, A MORETON BAY FIG LOCATED AT THE OLD BALDWIN MANOR

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

SECTION 1. The list of exceptional trees in Ordinance No. 3737 (2010), Maui County Code, relating to Exceptional Trees in the County of Maui, is amended by deleting item M-1, a Moreton Bay Fig located at the Old Baldwin Manor, due to its being dangerous or diseased beyond repair, in accordance with Section 12.24A(C) (8), Maui County Code.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_Deletion_Morton Bay Fig(Item M-1).wpd

ORDINANCE NO. _____

BILL NO. _____ (2014)

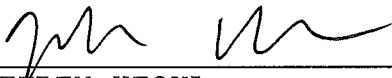
A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO TRUE KAMANI TREES LISTED IN ITEM M-17

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

SECTION 1. The list of exceptional trees in Ordinance No. 3737 (2010), Maui County Code, relating to Exceptional Trees in the County of Maui, is amended by deleting one of the two True Kamani Trees listed in Item M-17, due to its being dangerous or diseased beyond repair, in accordance with Section 12.24A(C) (8), Maui County Code.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_Deletion_True Kamani 1 of 2 (Item M-17).wpd

ORDINANCE NO. _____

BILL NO. _____ (2014)

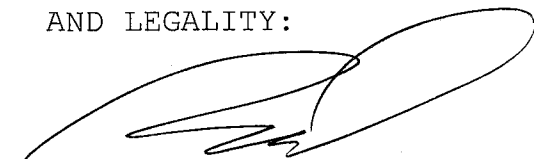
A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY DELETING ONE OF THE TWO PODOCARPUS TREES LISTED IN ITEM M-21

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

SECTION 1. The list of exceptional trees in Ordinance No. 3737 (2010), Maui County Code, relating to Exceptional Trees in the County of Maui, is amended by deleting one (the female) of the two Podocarpus trees listed in Item M-21, due to its being dangerous or diseased beyond repair, in accordance with Section 12.24A(C)(8), Maui County Code.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_Deletion_Podocarpus 1 of 2 (Item M-21).wpd

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010),
RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING
A STAND OF FOUR MONKEYPOD TREES LOCATED ON SOUTH KIHEI ROAD

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

SECTION 1. The list of exceptional trees in Ordinance No. 3737 (2010), Maui County Code, relating to Exceptional Trees in the County of Maui, is amended by adding a stand of four Monkeypod Trees on South Kihei Road, more particularly described in Exhibit "1" attached hereto and by reference incorporated herein.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY DEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_Monkeypood (4 - South Kihei Road).wpd

Monkeypod (stand of four) *Samanea saman*

Location: 980 South Kihei Road

TMK: 2-3-9-001-004-0000

Landowner: County of Maui

Description: Large and beautiful shade trees, aesthetic quality of specimens along the streetscape

Dimensions: Average height 25 feet. Diameter 16 to 22 inches, Crown spread 25 feet

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2014)


A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN INDIA RUBBER TREE LOCATED ON BALDWIN AVENUE

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

SECTION 1. The list of exceptional trees in Ordinance No. 3737 (2010), Maui County Code, relating to Exceptional Trees in the County of Maui, is amended by adding an India Rubber Tree located on Baldwin Avenue, more particularly described in Exhibit "1" attached hereto and by reference incorporated herein.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_India Rubber Tree (Baldwin Avenue).wpd

India Rubber Tree, *Ficus elastica*

Location: Souder residence, 3145 Baldwin Avenue, Makawao TMK (2) 2-4-002:014

Landowner: Penny K. Souder and Tom Calhoun

Description: A large and magnificent specimen, at least 90 years old

Dimensions: Height 56 feet, Diameter 88 inches, Crown Spread 135 feet

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO.
3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY
OF MAUI, BY ADDING A BERMUDA JUNIPER LOCATED ON BALDWIN AVENUE

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

SECTION 1. The list of exceptional trees in Ordinance No.
3737 (2010), Maui County Code, relating to Exceptional Trees in the
County of Maui, is amended by adding a Bermuda Juniper located on
Baldwin Avenue, more particularly described in Exhibit "1",
attached hereto and by reference incorporated herein.

SECTION 2. This ordinance shall take effect upon its
approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY MEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_Bermuda Juniper (Baldwin Avenue).wpd

Bermuda Juniper, *Juniperus bermudiana*

Location: Souder residence, 3145 Baldwin Avenue, Makawao TMK (2) 2-4-002:014

Landowner: Penny K. Souder and Tom Calhoun

Description: An outstanding specimen, remarkably large for the species and at least 90 years old

Dimensions: Height 45 feet, Diameter 61 inches, Crown Spread 70 feet

Exhibit "1"

ORDINANCE NO. _____

BILL NO. _____ (2014)

A BILL FOR AN ORDINANCE TO AMEND ORDINANCE NO. 3737 (2010), RELATING TO EXCEPTIONAL TREES IN THE COUNTY OF MAUI, BY ADDING AN OHIA TREE LOCATED IN THE WAIKAMOI PRESERVE

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

SECTION 1. The list of exceptional trees in Ordinance No. 3737 (2010), Maui County Code, relating to Exceptional Trees in the County of Maui, is amended by adding an Ohia Tree located in the Waikamoi Preserve, more particularly described in Exhibit "1" attached hereto and by reference incorporated herein.

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:



JEFFREY UEOKA
Deputy Corporation Counsel
County of Maui

S:\ALL\JTU\ORDS\Exceptional Trees\2014\Exceptional Trees_Ohia (Waikamoi Preserve).wpd

Ohia, *Metrosideros polymorpha*

Location: Waikamoi Preserve, Haleakala Ranch, TMK (2) 2-3-05:004

Landowner: Haleakala Ranch

Description: Aged over 600 years, the largest and oldest known specimen on Maui of this culturally significant species

Dimensions: Height 80 feet, Diameter 47 inches, Crown Spread 108 feet

Exhibit "1"