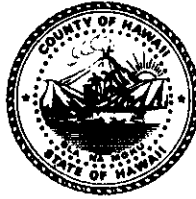


COUNTY OF HAWAI'I



STATE OF HAWAI'I

ORDINANCE NO. 06 26 BILL NO. 197

AN ORDINANCE AMENDING ORDINANCE NO. 93-8, RELATING TO EXCEPTIONAL TREES.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAI'I:

SECTION 1. Findings and purpose. The grove of mango trees, *Mangifera indica*, located adjacent to Pohoiki Road, at TMK (3) 1-3-08, was added to the list of "Exceptional Trees of the County of Hawai'i" pursuant to ordinance 93-8, effective March 2, 1993. This mango grove of approximately 600 trees was added to the list, found at section 14-65, Hawai'i County Code 1983 (2005 Edition), as item number 26.

The County of Hawai'i's Department of Public Works is presently working on the "Pohoiki Bypass Project" which involves realigning approximately half a mile of the Kaimu-Kapoho Road in order to bypass an area which has become increasingly flooded during high tides and is sinking almost one inch per year. Completion of this project will help maintain and improve a vital transportation and evacuation link for the district of Puna, enhance the safety and quality of Isaac Hale Park, and decrease undesirable effects on wetlands.

The project will include construction of an intersection at Pahoa-Pohoiki Road and Kaimu-Kapoho Road. This will impact the Pohoiki grove of mango trees by requiring removal of one of the mango trees in the grove. This tree, which is located on the Kapoho side of the road, is situated directly on the centerline of the proposed intersection.

The County of Hawai'i's Arborist Advisory Committee reviewed the County's request to remove the affected mango tree from the Pohoiki grove at its October 20, 2005 meeting. The Arborist Advisory Committee recommended that the County Council approve the Department of Public Work's proposal to remove the one mango tree, with the caveat that this recommendation shall not set any precedent for the removal of any other tree in the grove. Consequently, the purpose of this ordinance is to amend ordinance 93-8 to permit the removal of a mango tree that is presently included within a grove of trees that has been included on the County's list of Exceptional Trees.

SECTION 2. Ordinance No. 93-8, is amended by amending section 1 to read as follows:

"SECTION 1. Chapter 14, [~~Article 10, of the Hawaii County Code, 1983,~~] article 10, section 14-65, Hawai'i County Code 1983 (2005 Edition), is amended by adding one grove of approximately [~~600~~] 599 mango trees to the existing list of [~~twenty-five~~] exceptional trees[~~, as follows:~~]. The mango tree that is presently located on the centerline of the proposed intersection at Pahoa-

Pohoiki Road and Kaimu-Kapoho Road is excluded from this grove of mango trees that is being entered on the list of Exceptional Trees. The grove shall be entered on the list as follows:

“SECTION 14-65. Designated Exceptional Trees.

The following trees are designated as ‘Exceptional Trees of the County of [~~Hawaii~~] Hawai‘i:

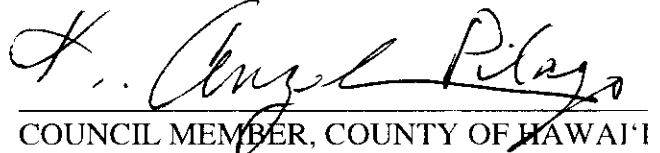
Tree	Tax Map Key and Location	Owner
26. Grove of Mangoes <i>Mangifera indica</i>	1-3-08 Pohoiki Road”	County of [Hawaii] <u>Hawai‘i</u>

SECTION 3. Material to be repealed is bracketed and stricken. New material is underscored. In printing this ordinance, the brackets, bracketed material and underscoring need not be included.

SECTION 4. If any provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:


COUNCIL MEMBER, COUNTY OF HAWAI‘I

Hilo, Hawai‘i

Date of Introduction: February 1, 1006
Date of 1st Reading: February 1, 2006
Date of 2nd Reading: February 15, 2006
Effective Date: February 24, 2006

REFERENCE: Comm. 609

OFFICE OF THE COUNTY CLERK
County of Hawai'i
Hilo, Hawai'i

Introduced By: K. Angel Pilago
Date Introduced: February 1, 2006
First Reading: February 1, 2006
Published: N/A

REMARKS: _____

Second Reading: February 15, 2006
To Mayor: February 17, 2006
Returned: February 24, 2006
Effective: February 24, 2006
Published: March 4, 2006

REMARKS: _____

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago			X	
Safarik	X			
	8	0	1	0

ROLL CALL VOTE				
	AYES	NOES	ABS	EX
Arakaki	X			
Higa	X			
Hoffmann	X			
Holschuh	X			
Ikeda	X			
Isbell	X			
Jacobson	X			
Pilago	X			
Safarik	X			
	9	0	0	0

I DO HEREBY CERTIFY that the foregoing BILL was adopted by the County Council published as indicated above.

APPROVED AS TO
FORM AND LEGALITY:

Marc A. Naka
DEPUTY CORPORATION COUNSEL
COUNTY OF HAWAII

Date _____

Approved/Disapproved this 24th day
of February, 2006
Harry S.
MAYOR, COUNTY OF HAWAII

[Signature]
COUNCIL CHAIRMAN

Constantine R. Kiriis
COUNTY CLERK

Bill No.: 197
Reference: C-609/PC-50
Ord No.: 06 26