

**How Hawai'i's Counties Regulate Trees:  
Urban Forestry County Regulation Reference Guide**

**Department of Land and Natural Resources  
Division of Forestry and Wildlife<sup>1</sup>  
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**KAULUNANI**  
URBAN & COMMUNITY FORESTRY PROGRAM

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Table of Contents

I. Summary..... 3

II. Research Process and Product Description ..... 3

III. Legal Framework..... 4

    A. County Powers Derived from the Hawai`i Constitution and the Hawai`i Legislature ..... 4

    B. Summary of County Ordinances..... 6

    C. County Agencies..... 7

        1. City and County of Honolulu ..... 8

        2. Maui County..... 11

        3. Kaua`i County ..... 13

        4. Hawai`i County ..... 14

    D. General Plans ..... 15

        1. City and County of Honolulu ..... 15

        2. Maui County..... 16

        3. Kaua`i County ..... 16

        4. Hawai`i County ..... 17

## **I. Summary**

Urban trees can be beneficial to the public because they provide shade, oxygen, and generally make the urban landscapes more beautiful. Maintaining those trees and having the right species of trees for urban landscapes is fundamental to public long-term benefits. In Hawai'i, along public streets and within public parks, the responsibility of maintaining trees in public spaces and deciding where to plant them on public land falls to the counties. Counties also regulate trees found on private property through zoning and design district regulations and construction projects. Additionally, trees may be regulated by class including exceptional tree or hazardous tree.

The purpose of this summary paper is to serve as a broad overview of all existing county regulations that function to regulate trees in some way for four of Hawai'i's counties: City and County of Honolulu, Maui County, Hawai'i County, and Kaua'i County. The supplemental excel tables are to function as a county tree regulation reference of ordinances, charter sections, and general plan policies and objectives.

## **II. Research Process and Product Description**

The research for this project was sourced from four primary resources including county charters and ordinances, general plans and district plans, administrative rules located on agency websites, and a cursory review of county master plans. Additionally, research for this project incorporated work that was completed by previous interns Rachel Ray (2018, Department of Land and Natural Resources, Division of Forestry and Wildlife) and Honour Booth (2018, City and County of Honolulu, Office of Climate Change, Sustainability and Resiliency and University of Hawai'i Sea Grant College Program), who researched ordinances regulating trees in the City and County of Honolulu.

Two final products result from this research. The first product is this summary paper that describes the legal framework for this issue to provide context for county ordinance authorities and county agency mandates. Section III.A discusses broad county powers derived from the Hawai'i Constitution and Hawai'i legislature. Specific county agency mandate information and administrative rules hyperlinks are included in Section III.B, if available. Section III.C briefly summaries county general plans broad objectives and policies related to trees and provides a hyperlink to each current general plan. The second product are excel tables divided by tabs containing excerpts from county charters, codified ordinances, and county general plans, all related to trees, for each of the four counties.

The process for this research began with key word searches in county ordinances themselves. County ordinances are:

An authoritative law or decree. Municipal governments can pass ordinances on matters that the state government allows to be regulated at the local level. A municipal ordinance carries the state's authority and has the same effect within the municipality's limits as a state statute.<sup>2</sup>

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<sup>2</sup> ORDINANCE, Black's Law Dictionary (11th ed. 2019).

Searching using key words such as “tree/trees”, “flora”, and “vegetation,” through each of the county ordinances was somewhat helpful. Most ordinances are subtle regarding trees, speaking indirectly about them while referencing other issues. For example, an ordinance regulating minimum yard requirements in front buildings, or another regulating the desire to preserve the aesthetic and character of a particular neighborhood, are both types of ordinances that affect trees, but do not specifically name trees in the language of the ordinance itself. Thus, it helped to expand search terms to include “landscape/landscaping,” and read through each ordinance to get a broader sense of how the regulation affected trees.

Each county adopted a charter and relevant sections are included in the tables. A municipal charter is “[a]n instrument by which a municipality is incorporated, specifying its organizational structure and highest laws.”<sup>3</sup> The Hawai‘i Constitution grants counties the authority to adopt a charter for self-government.<sup>4</sup>

Each county’s General Plan was also reviewed, and all sections that either referenced urban forestry, or applied to urban forestry more broadly are included in the tables. County General Plans are written by each respective county to “define the overall theme, goals, objectives, policies, and priority guidelines,” and “address the unique problems and needs of each county.”<sup>5</sup> These plans generally discuss the population and physical development patterns within each county.<sup>6</sup> A county’s General Plan must be in line with its county charter.<sup>7</sup> In addition, the Hawai‘i State Planning Act, or Chapter 226, HRS, together with most county charters, require counties to develop general plans that contain policies and objectives for county-wide land use planning.<sup>8</sup> Ordinances may be derived from policies in the county general plan.

Finally, the county agency mandates and administrative rules were reviewed for actions related to trees. Counties authorize certain agencies to carry out activities by ordinance. Those agencies may be authorized to promulgate administrative rules. Administrative rules are “officially promulgated agency regulation[s] that have the force of law.”<sup>9</sup> A county agency must be granted authority to promulgate administrative rules by the county council or county charter, depending on the county.

### **III. Legal Framework**

#### **A. County Powers Derived from the Hawai‘i Constitution and the Hawai‘i Legislature**

Hawai‘i has four counties – the City and County of Honolulu, the County of Maui, the County of Kaua‘i, and the County of Hawai‘i.<sup>10</sup> The Hawai‘i Constitution vests these counties

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<sup>3</sup> CHARTER, Black's Law Dictionary (11th ed. 2019).

<sup>4</sup> See Haw. Const. Art. VIII § 1 & 2.

<sup>5</sup> See HRS § 226-52(a)(4) (1991).

<sup>6</sup> See *id.* County General Plans must follow the guidelines from HRS § 226-58.

<sup>7</sup> See HRS § 226-58(a) (1991).

<sup>8</sup> See Section III.A.

<sup>9</sup> ADMINISTRATIVE RULE, Black's Law Dictionary (11th ed. 2019).

<sup>10</sup> There are five counties in Hawai‘i, but for purposes of this paper, it is not necessary to summarize regulations for Kalawao County on Moloka‘i.

with all their powers.<sup>11</sup> While counties have the power to frame and adopt a charter for self-government, the Hawai'i legislature has the power to create counties, and has retained the power to confer certain functions to the counties and enact general laws.<sup>12</sup>

The legislature granted counties authority to enact general laws in these specific areas related to tree regulation:

1. Powers of the County. Chapter 46, Hawai'i Revised Statutes (HRS), describes provisions common to all counties in Hawai'i. In HRS § 46-1.5, the Hawai'i legislature granted counties the authority to make and enforce local ordinances and rules necessary to public health, life, and property that are not inconsistent with the intent of existing state statutes.<sup>13</sup> Specifically, the legislature provides counties may regulate local waterway management actions, eminent domain for public purpose, fees for county services, nuisance, local police matters, sanitation and litter, and building regulation.<sup>14</sup> Counties may impose civil, in addition to criminal penalties, for violations of county ordinances or administrative rules following notice of violation or requests to cease the violation.<sup>15</sup> The process for civil penalties must follow Chapter 91, HRS.<sup>16</sup>
2. Exceptional Trees. Chapter 58, HRS, provides that it is the State's policy to protect exceptional trees from destruction due to improper land development.<sup>17</sup> The Hawai'i legislature granted the counties authority to enact protective regulations to protect exceptional trees, and established a county arborist advisory committee for each county to facilitate this important public purpose.<sup>18</sup>
3. Redevelopment Agency. In Chapter 53, HRS, the Hawai'i legislature grants counties the authority, by resolution, to create a local redevelopment agency for the county.<sup>19</sup> In HRS § 53-5, the legislature established the powers and duties of the redevelopment agency.

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<sup>11</sup> See Haw. Const. Art. VIII § 1 (“The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws”).

<sup>12</sup> See Haw. Const. Art. VIII § 1 & 2.

<sup>13</sup> See HRS § 46-1.5(13) (2018).

<sup>14</sup> See HRS § 46-1.5(5), (6), (7), (8), (9), & (14) (2018).

<sup>15</sup> See HRS § 46-1.5(24) (2018).

<sup>16</sup> See HRS § 46-1.5(24) (2018).

<sup>17</sup> “Exceptional trees” are defined as “a tree, stand, or grove of trees that have historic or cultural value, or because of its age, rarity, location, size, esthetic quality, or endemic status is worthy of preservation.” See HRS § 58-3 (2018).

<sup>18</sup> See HRS § 58-1 (2018); HRS § 58-4 (1975). HRS § 58-3 further outlines that each county arborist advisory committee has the power and duty to prepare research and make recommendations to the county council of exceptional trees that should be protected by county ordinance or regulation. They can advise property owners regarding the preservation and enhancement of exceptional trees, make recommendations to the county council as to appropriate protective ordinances, regulations, and procedures, and reviews all actions deemed necessary by the county council to endanger exceptional trees. This section also provides that each county shall enact appropriate protective regulations which designate exceptional trees; provide for special county review prior to destruction of exceptional trees, whether by removal or the existence of conditions which lead to the destruction of such trees; provide for site plan review and amendment to protect exceptional trees; and provide for injunctive relief against the removal or destruction of exceptional trees. In addition, state actors including the Department of Land and Natural Resources and the University of Hawaii are required to cooperate with, and assist the counties and the County Arborist Advisory Committees in protecting exceptional trees. See HRS § 58-3 (2018).

<sup>19</sup> See HRS § 53-2(a) (1985).

The redeveloped agency is tasked with the responsibility of undertaking and carrying out urban renewal projects, and in preparing a general neighborhood renewal plan for specific areas within the county that the planning commission has determined to be a blighted area.<sup>20</sup> As an alternative to creating a redevelopment agency, counties may exercise their authority through a county agency by enacting an ordinance.<sup>21</sup>

4. Hawai'i State Planning Act. In the Hawai'i State Planning Act, or Chapter 226, HRS, the legislature set forth the Hawaii State Plan, which serves as a guide for the future long-range development of the state, and identifies goals, objectives, policies, priorities, guidelines, and implementation mechanisms to bring the plan to fruition.<sup>22</sup> Specifically, HRS §§ 226-52 and 58 provide that counties with the power to create general plans and development plans following certain guidelines.<sup>23</sup>

## B. Summary of County Ordinances

A supplemental excel tables contains every ordinance listed by county that could be found related to trees. Below is a summary table of the information contained in the tables. The categories outlined in the table are intended to generally cover the subject matter of the ordinance. Importantly, each county may draft ordinances differently even when covering the same subject matter. For instance, just because a county regulates trees qualifying as nuisance, does not mean the nuisance is regulated in the same manner. Thus, the table below should be used as a general guide only to make the information digestible.

Categories where counties have adopted tree regulations:

	Category	Honolulu	Maui	Kaua'i	Hawai'i
<b>Class of tree</b>	Exceptional trees	X	X	X	X
	Hazardous trees		X		

<sup>20</sup> “Blighted area” means an area (including a slum area), whether it is improved or unimproved, in which conditions such as: the dilapidation, deterioration, age, or obsolescence of the buildings or improvements thereon; inadequate ventilation, light, sanitation, or open spaces, or other insanitary or unsafe conditions; high density of population and overcrowding; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of conditions which endanger life or property by fire or other causes; or any combination of these factors or conditions predominate, thus making the area an economic or social liability, or conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, or otherwise detrimental to the public health, safety, morals, and welfare. HRS § 53-1 (2018); see also HRS § 53-51 (1965).

<sup>21</sup> See HRS § 53-81 (1974).

<sup>22</sup> See HRS § 226-2 (2015).

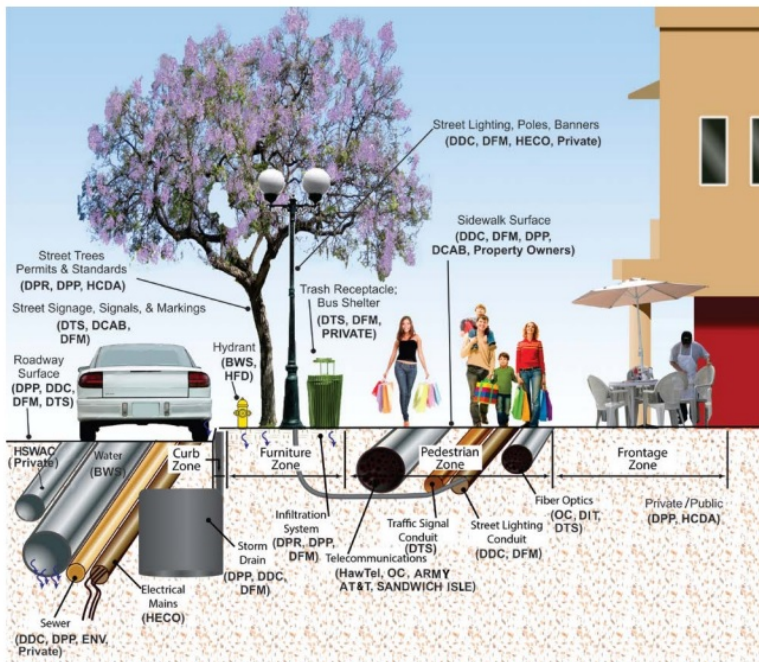
<sup>23</sup> See HRS § 226-52(a)(4) (1991); HRS § 226-58 (1991). County General Plans are written by each respective county to “define the overall theme, goals, objectives, policies, and priority guidelines,” and “address the unique problems and needs of each county.” See HRS § 226-52(a)(4) (1991). A county development plan sets out a comprehensive long-range plan for the county, whereas a development plan is a relatively detailed plan for an area or region within a county to implement the objectives and policies of a county’s general plan.<sup>23</sup> Both county general plans and development plans are created through collaboration between state agencies, county agencies, and input from the general public. See HRS § 226-58 (1991).

	Category	Honolulu	Maui	Kaua'i	Hawai'i
	Nuisance trees	X			X
Public spaces	Public parks	X	X	X	
	Public streets and sidewalks (not part of a subdivision)	X	X	X	X
	Public wastewater		X		
Private spaces (may also include public spaces)	Private streets	X			
	Building	X	X		
	Grading and grubbing	X	X	X	
	Districts	X	X		X
	Development standards	X			
	Development plans	X		X	
	Subdivisions	X	X	X	
	Zoning classification				X
	Fire Code	X	X	X	X
Property taxes				X	

### C. County Agencies

One or more agency may share jurisdiction over one tree depending on the tree's location or classification, or whether an entity is applying for a permit to remove the tree. Therefore, the following paragraphs briefly discuss each agency that may be involved in regulating trees within each county.

#### AGENCY RESPONSIBILITY



From: *City and County of Honolulu Complete Streets Design Manual* (2016). This figure shows many different county and state agencies along with private parties are involved in maintaining urban corridors, including street trees.

1. City and County of Honolulu

a. *Department of Parks and Recreation, Division of Urban Forestry*

The Honolulu Department of Parks and Recreation (DPR) is responsible for all city parks across the island of O’ahu. Within DPR, the Division of Urban Forestry (DUF) is especially pertinent to urban trees. DUF’s Horticultural Services Branch is responsible for planting, growing, and maintaining urban trees, clearing fallen trees or branches from city streets, and conserving valuable existing trees from destruction. DPP/DUF also oversees the Exceptional Tree Program and the Arborist Advisory Committee of the City and County of Honolulu which ensures that trees that have exceptional tree status are protected by county ordinance.<sup>24</sup>

Administrative Rules (hyperlinks below):

1. Rules and Regulations Relative to Planting and Maintenance of Street Trees
2. Standards and Procedures for the Planting of Street Trees
3. Guidelines for Inquires Relating to Trees

b. *Department of Planning and Permitting*

The Department of Planning and Permitting (DPP) is responsible for the City and County of Honolulu’s long-range planning, and the administration and enforcement of land use ordinances, the construction of buildings, and standards for infrastructure requirements. Within DPP, there are four main divisions that regulate trees – Urban Design Branch, Site Development Division, Building Division, and Customer Services Office.<sup>25</sup>

The Urban Design Branch reviews Street Tree Planting Plans, landscape plans, and any construction plans that effect existing Street Trees. The Site Development Division administers Subdivision Rules and Regulations regarding grading, storm water management and sidewalk standards. The Building Division reviews any future construction plans and building permits for compliance with land use ordinances including landscaping requirements. The Customer Services Office is responsible for site inspection and the enforcement of land use ordinances that affect street trees and urban landscaping. Both the Building Division and the Customer Services Office often coordinate with DPR/DUF for their knowledge of plants and to ensure compliance with landscaping standards that DPP administers.<sup>26</sup>

Administrative Rules (hyperlinks below):

1. Rules of The Building Board of Appeals
2. Part 1 - Rules of Practice and Procedure
3. Part 2 - Rules Relating to Shoreline Setbacks and the Special Management Area
4. Part 3 - Rules of the Zoning Board of Appeals
5. Rules Relating to Administration of Codes
6. Rules of the Engineering Division
7. Rules of the Department of Planning and Permitting for Processing Amendments to the General Plan

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<sup>24</sup> See City and County of Honolulu Department of Parks and Recreation <https://www.honolulu.gov/parks/>

<sup>25</sup> See City and County of Honolulu Department of Planning and Permitting <http://www.honoluludpp.org/>

<sup>26</sup> See City and County of Honolulu Department of Planning and Permitting, <http://www.honoluludpp.org/AboutDPP/WhatWeDo.aspx>.



8. Part 4 - Procedures for Revising the Public Infrastructure Map
9. Rules for Processing Amendments to the Development Plans and Sustainable Communities Plans
10. Procedures for the Amendment of State Land Use District Boundaries
11. Rules of the Planning Commission
12. Subdivision Rules and Regulations
13. Park Dedication Rules and Regulations
14. Storm Drainage Standards
15. Part 5 - 201h Rules

*c. Department of Land Management*

The Department of Land Management (DLM) manages the City and County of Honolulu's real property interests, except those under the jurisdiction of the Department of Parks and Recreation.<sup>27</sup> DLM consults with and advises executive departments and agencies on best practices in land management, property management, and conservation and stewardship with respect to real property under the jurisdiction of executive departments and agencies. This includes activities relating to Transit Oriented Development (TOD) special districts, and public/private partnership agreements. DLM also administers the Clean Water Natural Lands Fund, which acquires real property within the City and County of Honolulu to protect and conserve undeveloped land.<sup>28</sup>

*d. Board of Water Supply*

The Board of Water Supply (BWS) manages Oahu's municipal water resources and distribution system. BWS is responsible for managing, maintaining, and designing citywide water infrastructure, and therefore reviews where the locations of trees are relative to the city's underground system, as tree roots can cause issues with underground infrastructure such as water mains.<sup>29</sup>

References (hyperlinks below):

1. [BWS Strategic Plan](#)
2. [Watershed Management Plan](#)
3. [BWS Water Master Plan](#)
4. [Stakeholder Advisory Group](#)
5. [Rules & Regulations](#)

*e. Office of Climate Change, Sustainability and Resiliency*

The Office of Climate Change, Sustainability and Resiliency (Resilience Office) is tasked with tracking climate change science and potential impacts on City facilities, coordinating actions and policies of departments within the City to increase community preparedness,

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<sup>27</sup> See City and County of Honolulu Department of Land Management, <https://www.honolulu.gov/dlm.html>.

<sup>28</sup> See City and County of Honolulu Department of Land Management, Clean Water and Natural Lands Fund, <https://www.honolulu.gov/dlm/cwnl-fund-projects.html>.

<sup>29</sup> See City and County of Honolulu Board of Water Supply, <https://www.boardofwatersupply.com/>.

developing resilient infrastructure in response to the effects from climate change, and integrating sustainable and environmental values into City plans, programs, and policies. The Resilience Office has stated that Honolulu’s urban forest is essential to combat the effects of climate change and to create a resilient future for the county, as forests provide vital ecosystem services such as the sequestration of carbon, heat mitigation, energy savings, air pollutant removal, storm water and soil erosion management, habitat for wildlife, food, stress reduction, improved learning and concentration in schools, and improved health and productivity.<sup>30</sup>

References (hyperlinks below):

1. [Urban Tree Canopy Assessment](#)
2. [Standards and Procedures for the Planting of Street Trees](#) (1999) and [amended](#)
3. [Street Tree Review and Approval Procedures](#) (2005)
4. [Urban Reforestation Master Plan](#) (2006)
5. [Municipal Forest Resource Analysis](#) (2007)
6. [Guidelines and Standards for Trees in Urban Areas](#) (2016)
7. [Recommended Trees and Palms for Streets](#) (2017)
8. [TOD Special District Design Guidelines](#) (2018)

*f. Department of Transportation Services*

With respect to trees, the Department of Transportation Services (DTS) drafted the Honolulu Complete Streets Design Manual to be used by DTS and other county agencies to improve street planning and design. The Honolulu Complete Streets Ordinance was passed in 2012, and one of the ten goals of the ordinance is to “[i]ncorporate trees and landscaping as integral components of complete streets.”<sup>31</sup> The Honolulu Complete Streets Design Manual has section for urban forestry and street trees, and describes principles that improve planning and design to create space for trees and landscaping in traffic ways.<sup>32</sup>

Reference (hyperlink below):

1. [Honolulu Complete Streets Design Manual](#)

*g. Department of Facilities Maintenance*

The Department of Facilities Maintenance (DFM) is broadly tasked with performing street and waterway maintenance actions, which includes removing vegetation and debris from waterways and roadways.<sup>33</sup> DFM can also be called on to maintain landscaping at public buildings.<sup>34</sup> DFM manages the sidewalk maintenance program repairing damage to sidewalks

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<sup>30</sup> See City and County of Honolulu Office of Climate Change, Sustainability and Resiliency

<sup>31</sup> See *City and County of Honolulu Complete Streets Design Manual* at 5 (2016), [http://www4.honolulu.gov/docushare/dsweb/Get/Document-187742/160908%20Honolulu%20Complete%20Streets%20Design%20Manual\\_Final.pdf](http://www4.honolulu.gov/docushare/dsweb/Get/Document-187742/160908%20Honolulu%20Complete%20Streets%20Design%20Manual_Final.pdf).

<sup>32</sup> See *City and County of Honolulu Complete Streets Design Manual* at 254-58 (2016), [http://www4.honolulu.gov/docushare/dsweb/Get/Document-187742/160908%20Honolulu%20Complete%20Streets%20Design%20Manual\\_Final.pdf](http://www4.honolulu.gov/docushare/dsweb/Get/Document-187742/160908%20Honolulu%20Complete%20Streets%20Design%20Manual_Final.pdf).

<sup>33</sup> See City and County of Honolulu, Department of Facilities Maintenance, <http://www.honolulu.gov/dfmroad/drmdutiesandfunctions.html>.

<sup>34</sup> See Guidelines for Inquires Relating to Trees, [http://www.honolulu.gov/rep/site/dpr/duf\\_docs/guidelinesfortreeinquiries072011.pdf](http://www.honolulu.gov/rep/site/dpr/duf_docs/guidelinesfortreeinquiries072011.pdf).

from tree roots, weather, and general use; and may be the first to notice if private property owners' actions damage nearby sidewalks and vegetation.<sup>35</sup>

## 2. Maui County

### a. *Department of Parks and Recreation*

The Department of Parks and Recreation (DPR) operates and maintains the County's parks, recreation areas, and recreational service programs for Maui County. In addition, DPR coordinates with other county departments to enforce rules and regulations relating to parks and recreation facilities. Two divisions within DPR are vital to Maui County's urban forest. The Maintenance Division, Beautification Section is responsible for the upkeep and maintenance of the County's street and park trees, as well as landscaping design.<sup>36</sup> The Planning and Development Division reviews new subdivision and community development plans to ensure proper location and acreage of park spaces accompany new development.<sup>37</sup>

Administrative Rules (hyperlinks below):

1. [Rule Relating to the Administration of Parks and Recreational Facilities and Permits for the Use of Parks and Recreational Facilities](#)

### b. *Department of Planning*

The Department of Planning (DP) proposes zoning legislation, drafts updates to the General Plan, Maui Island Plan, and Community Plans, presents reports & recommendations on development proposals, and oversees programs on cultural resources, census and geographic information, flood plain permits, and other special projects and permits.<sup>38</sup> Related to trees, DP reviews current planning projects requiring Environmental Assessments, Special Management Area Use Permits, Arborist Committee Plan Review, and Landscape Planting Plan Review.<sup>39</sup> Within the Department of Planning, the Current Planning Division, the Long Range Planning Division, and the Plan Implementation Division are crucial to the governance of urban trees.

The Current Planning Division oversees trees in currently ongoing projects and may allow, limit, or disallow the planting, removal, or specific placement of trees according to existing statutes as they pertain to short term projects.<sup>40</sup>

The Long-Range Planning Division is responsible for preparing, monitoring, and implementing Maui's General plans, the Countywide Policy Plan, Maui Island Plan and community plans. Specifically, this division may undertake special planning studies such as

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<sup>35</sup> See City and County of Honolulu, Department of Facilities Maintenance, <http://www.honolulu.gov/dfmroad/drmsidewalkmaintenanceprogram.html>.

<sup>36</sup> See Maui County Department of Parks and Recreation, <https://www.mauicounty.gov/1156/Maintenance-Division>.

<sup>37</sup> See Maui County Department of Parks and Recreation, <https://www.mauicounty.gov/1157/Planning-and-Development-Division>.

<sup>38</sup> See Maui County Department of Planning, <https://www.mauicounty.gov/121/Planning-Department>.

<sup>39</sup> See Maui County Department of Planning, <https://www.mauicounty.gov/1358/Alpha-Listing-of-Development-Application>.

<sup>40</sup> See Maui County Department of Planning- Current Planning Division, <https://www.mauicounty.gov/1121/Division---Current-Planning>.

Environmental Assessments, prepare updates for or undertake projects recommended by the County's General Plan, revise county ordinance and zoning regulations, and review state land use legislation and regulations as they relate to long range plans. Long-term county improvement initiatives to public spaces involving trees are overseen by this division, and existing trees affected by long term projects and by revisions to county ordinance and zoning regulations are also considered by the Long-Range Division.<sup>41</sup>

The Plan Implementation Division tracks General Plan implementation actions and coordinates with other countywide agencies to accomplish adopted goals. If, for instance, the Arborist Committee chooses to protect certain trees, or if the Mayor's office adopts a plan to plant native trees, the Implementation Department will track progress, provide informational (including GIS) support, and prepare needed special planning studies to fulfill the aims set out in the General Plan, Maui Island Plan, and community plans.<sup>42</sup>

Administrative Rules and References (hyperlinks below):

1. [Link to Plan Implementation Division with Links to General Plan and Other Plans](#)
2. [Proposed Amendments to Special Management Area Permit Rules](#)
3. [Proposed Amendment to Shoreline Rules](#)

*c. The Department of Public Works*

The Department of Public Works (DPW) is responsible for administering the building, housing, and subdivision ordinances, and approves any proposed subdivision plans.<sup>43</sup> DPW is also responsible for planning, designing, and maintaining the county's highways, and drainage and flood control systems. DPW oversees the Development Services Administration and the Engineering Division which both play a key role in the governance of urban trees.

The Development Services administers the County's subdivision, building, electrical, plumbing, grading, and other construction related to ordinances.<sup>44</sup> Specifically, the Subdivision Section administers Maui County Code, Title 18, Subdivision Ordinance which includes processing subdivision applications. Subdivision applications frequently involve urban forestry issues, as Title 18 has requirements for subdivision plans including street trees, pedestrian walkways and sidewalks, and the dedication of parks.<sup>45</sup>

Also within Development Services is the Civil Construction Section which is responsible for overseeing site-work construction, which includes the processing of grading and grubbing permits and inspection of work.<sup>46</sup>

Administrative Rules and References (hyperlinks below):

1. [Subdivision Processing Guidelines](#)
2. [Rules for Flexible Design Standards, MCC, Title 15](#)

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<sup>41</sup> See Maui County Department of Planning Department - Long Range Planning Division <https://www.mauicounty.gov/1122/Division---Long-Range-Planning>

<sup>42</sup> See Maui County Department of Planning – Plan Implementation Division, <https://www.mauicounty.gov/2016/Division---Plan-Implementation>.

<sup>43</sup> See Maui County Department of Public Works, <https://www.mauicounty.gov/124/Public-Works>.

<sup>44</sup> See Maui County Department of Public Works, <https://www.mauicounty.gov/558/Development-Services-Administration>.

<sup>45</sup> See Maui County Code (MCC) § 18.20.095; MCC § 18.20.105; MCC § 12.24A.070.

<sup>46</sup> See Maui County Department of Public Works, <https://www.mauicounty.gov/1867/Civil-Construction-and-Inspection-Sectio>.

3. Rules for the Design of Storm Drainage Facilities
4. SWCD Guideline for Reviewing County Grading and Grubbing Plans

3. Kaua‘i County

- a. *Department of Public Works*

Relevant to trees, the Public Works Department responsibilities include the planning, design, and construction of County-owned facilities and roads; and the permitting, reviewing and enforcement of various codes and other regulations pertaining to public and private construction work.<sup>47</sup> The Building Division and Engineering Division are particularly relevant to the regulation of urban trees.

The Roads Maintenance Division performs sidewalk and roadway maintenance and repairs, thereby regulating urban trees as they interact with county sidewalks.<sup>48</sup>

The Engineering Division provides general engineering and surveying services for the Department, and administers the Grading, Grubbing and Stock Piling Ordinance, and implementing the County of Kaua‘i’s Complete Street Design Manual. The Division also provides engineering review and comments for subdivisions/consolidations applications, zoning and use permit application, and building permit applications.<sup>49</sup>

Reference (hyperlink below):

1. County of Kaua‘i Street Design Manual

- b. *Planning Department*

The Planning Department (PD) advises the Mayor, Planning Commission, and the County Council on planning and land use matters for the County of Kaua‘i.<sup>50</sup> PD implements and enforcements of the Zoning and Subdivision Ordinances, and the County's planning program, which includes the General Plan and Comprehensive Zoning Ordinances.<sup>51</sup>

The Long-Range Planning Division within PD maintains and implements the Kaua‘i County’s General Plan, community plans, and special area plans.<sup>52</sup> This division processes Special Management Area Permits.

Furthermore, the Regulatory Planning Division administers the zoning and subdivision ordinances that control land use in Kaua‘i County.<sup>53</sup> The Regulatory Planning Division reviews the development projects and administers the Current Comprehensive Zoning Ordinance and the

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<sup>47</sup> See County of Kaua‘i Public Works Department <https://www.kauai.gov/PublicWorks>.

<sup>48</sup> See Kauai County Department of Public Works – Roads and Highways Division <https://www.kauai.gov/Government/Departments-Agencies/Public-Works/Roads-Highways>.

<sup>49</sup> See Kauai County Department of Public Works – Engineering Division <https://www.kauai.gov/PublicWorks/Engineering>

<sup>50</sup> See County of Kauai Planning Department, <https://www.kauai.gov/Planning>.

<sup>51</sup> See County of Kauai Planning Department, <https://www.kauai.gov/Planning>.

<sup>52</sup> See County of Kauai Planning Department, <https://www.kauai.gov/Government/Departments-Agencies/Planning-Department/Long-Range-Division>.

<sup>53</sup> See County of Kauai Planning Department, <https://www.kauai.gov/Government/Departments/Planning-Department/Zoning-Land-Use-Permits>.

Subdivision Ordinance, both of which are relevant to the regulation of urban trees within the context of county development planning, such as the planting of urban trees in subdivisions, and where urban trees and landscaping may be required in specific zoning areas.

Administrative Rules (hyperlink below):

1. Special Management Area Rules and Regulations

*c. Department of Parks and Recreation*

The Department of Parks and Recreation (DPR) is responsible for developing, improving, and maintaining the quality of recreational facilities on the County of Kauai.<sup>54</sup> DPR also coordinates, implements, maintains, and monitors the beautification and safety of County property, and sets policies, rules and regulations.

Administrative Rules (hyperlink below):

1. Amendment to the Department of Parks Rules & Regulations

4. Hawai'i County

*a. The Planning Department*

The Planning Department administers the Subdivision and Zoning Codes, which include regulations surrounding urban trees in both current and future subdivisions.<sup>55</sup> Divisions vital to the regulation of urban trees include the Administrative Permits division, the Planning Division, and Long-Range Division.

The Administrative Permits Division administers permitting requirements for subdivisions, plan approval and variances, and is also responsible for enforcing these codes, and in addressing complaints and violations.<sup>56</sup> The Planning Division administers the permitting requirements of the Zoning Code, State Land Use Law, and Coastal Zone Management Act. The Planning Division can impact urban trees in approving or denying use permits, special permits, rezoning, General Plan Amendments, and State Land Use Boundary Amendments.<sup>57</sup> The Division of Long-Range Planning is responsible for creating and administering the County's General Plan.<sup>58</sup>

Administrative Rules (hyperlink below):

1. Planning Department Rules

*b. Department of Parks and Recreation*

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<sup>54</sup> See County of Kauai Parks and Recreation <https://www.kauai.gov/Parks>

<sup>55</sup> See County of Hawaii Planning Department, <https://www.hawaiicounty.gov/departments/planning>; County of Hawaii the Planning Department, <http://www.hiplanningdept.com/>.

<sup>56</sup> See County of Hawaii Planning Department - Divisions - <http://www.hiplanningdept.com/about/planning-department-divisions/>.

<sup>57</sup> See County of Hawaii Planning Department - Divisions - <http://www.hiplanningdept.com/about/planning-department-divisions/>.

<sup>58</sup> See County of Hawaii Planning Department - Divisions - <http://www.hiplanningdept.com/about/planning-department-divisions/>.

The Department of Parks and Recreation, Parks Maintenance division maintains county parks, cemeteries, playgrounds, and other recreational facilities, including the maintenance of landscaping.<sup>59</sup> No administrative rules were found on this department's webpage relevant to trees.

*c. The Department of Public Works*

The Department of Public Works (DPW) administers regulatory and code enforcements to improve the health and safety of Hawaii County's communities. Of the six divisions within DPW, the Building division, the Engineering Division, and the Highway Maintenance Division all regulate urban trees in different ways.

The Building division is responsible for inspections, plan reviews, and enforcing compliance to the Hawai'i County Code on building, electrical, plumbing, and the design, construction and maintenance of County-owned facilities.<sup>60</sup> Within the Building Division, the Building Inspection Section reviews permit applications for compliance to current, applicable codes.

The Engineering Division is responsible for planning, designing, reviewing, and constructing road, bridge and flood control facilities. Urban trees are a large part of city landscapes, and the Engineering Division implements and enforces regulatory requirements for all county streets including the maintenance and construction of sidewalks.<sup>61</sup>

The Highway Maintenance Division is responsible roadside maintenance of trees and vegetation, debris removal from storm drains, building and repairing sidewalks on county roads, and vegetation management for flood control.<sup>62</sup>

No administrative rules were found on this department's webpage relevant to trees.

**D. General Plans**

1. City and County of Honolulu

The General Plan for the City and County of Honolulu (CCH) was approved in 1992, and amended by resolution in 2002, as a dynamic island-wide land use policy document.<sup>63</sup> This document addresses physical, social, economic, and environmental concerns affecting the City and County of Honolulu, and provides means by which the City and County government can

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<sup>59</sup> See County of Hawaii Department of Parks and Recreation, <https://www.hawaiicounty.gov/departments/parks-and-recreation/parks-maintenance>.

<sup>60</sup> See County of Hawaii Department of Public Works, <https://www.hawaiicounty.gov/departments/public-works/building>.

<sup>61</sup> See County of Hawaii Department of Public Works – Engineering Division, <http://www.hawaiicounty.gov/public-works-engineering>.

<sup>62</sup> See County of Hawaii Department of Public Works – Highway Maintenance Division, <http://www.hawaiicounty.gov/public-works-highways>.

<sup>63</sup> See *City and County of Honolulu General Plan* (1992), <http://www.honolulu.gov/Portals/0/pdfs/planning/generalplan/GPRReport.pdf>

plan for the future growth of the metropolitan area of Honolulu. A revision to the General Plan was proposed in 2017, but not yet approved.<sup>64</sup>

The General Plan addresses Honolulu's urban forest in a variety of ways. Broadly, the General Plan includes trees in its vision for Honolulu by projecting goals to protect the natural environment, to preserve the aesthetic beauty of both man-made and natural landscapes, and to provide communities with parks and open spaces for recreation and enjoyment.

- [City and County of Honolulu General Plan \(hyperlink\)](#)

## 2. [Maui County](#)

The County of Maui's Countywide Policy Plan (Policy Plan) was adopted by ordinance in 2010, and provides broad goals, objectives, policies, and implementing actions that portray the desired direction of the County's future.<sup>65</sup> The Policy Plan also serves as an umbrella plan including the Maui Island Plan and the nine Community Plans.

Policy Plan addresses urban forestry in many ways. Core themes within the Policy Plan focus on broad goals to protect the natural environment, improve public parks and public facilities, improve physical infrastructure, and promote sustainable land use and growth management. Within each of these goals are more specific objectives that hone in on a range of implementing actions including the restoration and protection of forests, planting of indigenous species, developing an island-wide network of greenways, and improving the stewardship of the natural environment. The Policy Plan also discusses trees in terms of facilitating economic growth and sustainable development. For example, designing roads and built infrastructure in a manner that preserves scenic resources, using street trees to enhance public roadways, utilizing trees and landscaping so that development is in harmony with the natural environment.

- [County of Maui General Plan \(hyperlink\)](#)

## 3. [Kaua'i County](#)

The County of Kauai's General Plan (Kaua'i Kākou) was approved by ordinance in 2017, and establishes priorities for managing growth and community development over the next twenty years, guiding future action concerning land use and development regulations, urban renewal programs, and expenditures for capital improvements.<sup>66</sup> The policies within Kaua'i Kākou guide county decision-making by mapping land use patterns, describing what type of development is desirable, and by setting high-level priorities for infrastructure and programs.

Kaua'i Kākou focuses on urban trees throughout several sectors. Future land use objectives include utilizing green spaces to create thriving commercial town centers and streetscapes, as well as providing access to and revitalizing public parks. Urban trees are embedded in the plan's economic development goals to increase resiliency in the face of climate

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<sup>64</sup> See [http://www.honolulu.gov/Portals/0/pdfs/planning/generalplan/GPUUpdate/PR%20GP\\_web.pdf](http://www.honolulu.gov/Portals/0/pdfs/planning/generalplan/GPUUpdate/PR%20GP_web.pdf)

<sup>65</sup> See *County of Maui 2030 General Plan Countywide Policy Plan* (2010), <https://www.maui-county.gov/DocumentCenter/View/11132/Final--Countywide-Policy-Plan---Complete?bidId=>.

<sup>66</sup> See *Kaua'i Kākou Kaua'i County General Plan* (2017), <https://www.dropbox.com/s/ptm72sqtkcn5kb/Kauai%20Kakou%20General%20Plan%202018%20Online.pdf?dl=0>.



change and natural disasters, and the protection of exceptional trees is specifically named to facilitate Kaua'i County's scenic beauty and environmental heritage.

- [County of Kaua'i General Plan \(hyperlink\)](#)

#### 4. [Hawai'i County](#)

The County of Hawaii's General Plan was adopted by ordinance in 2005, and serves as a land use policy document for island-wide long-range comprehensive planning.<sup>67</sup> The General Plan guides the pattern of future development in the County based on long-term goals, identify the visions, values, and priorities important to the people of this County; and provides the framework for regulatory decisions, capital improvement priorities, acquisition strategies, and other pertinent government programs within the County organization and coordinated with State and Federal programs.

Urban trees play a large role in the County of Hawaii's vision for the future. Goals within the General plan include improving the physical environment of the County as a setting for human activity, and to make it more functional, beautiful, healthful, interesting, and efficient. The General Plan also hopes to facilitate the democratic determination of community policies concerning the utilization of its natural, man-made, and human resources, and effect political and technical coordination in community improvement and development.

While urban trees are essential to achieve many of the above goals, they are explicitly mentioned in terms of preserving natural beauty and historic sites, increasing pedestrian access to scenic places, ensuring that natural beauty is woven into design plans through the development of design criteria, and in maintaining the exceptional trees program. Finally, the General Plan emphasizes the importance of open spaces through the protection of natural areas, and in not allowing construction and development to override or conflict with existing natural spaces.

- [County of Hawaii General Plan \(hyperlink\)](#)

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<sup>67</sup> See *County of Hawai'i General Plan (2005)*, <http://www.hiplanningdept.com/general-plan/2005-plan/#introduction>.