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DEPARTMENT OF FIRE & PUBLIC SAFETY
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KAHULUI, MAUI, HAWAII 96732
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November 29, 2024

The Honorable Richard T. Bissen, Jr.
Mayor, County of Maui
200 South High Street
Wailuku, HI 96793

APPROVED FOR TRANSMITTAL

 12-3-24
Mayor Date

For Transmittal to:

The Honorable Tasha Kama, Chair
Housing and Land Use Committee
Maui County Council
200 South High Street
Wailuku, HI 96793

Dear Chair Kama,

SUBJECT: BILL 105 (2024), AMENDING SECTION 19.500.110, MAUI COUNTY CODE, REGARDING NONCONFORMITIES (HLU-34)

The Department of Fire & Public Safety is in receipt of your letter dated October 30, 2024. After discussion with our Fire Prevention Bureau, we would like to provide the following responses:

1. Referencing your October 1, 2024, correspondence:
 - a. What specific amendments are needed to the County Building Code or County Fire Code to address fire hazards associated with structure density? For example, if the Department recommends changes to setback standards, please provide the Department's proposal.

The fire code (national model or adopted) does not currently address or provide prescriptive triggers for setbacks. Providing for fire safety as density is increased is a cooperative effort between Fire, Water, Building, and Planning. This cannot be mitigated by amending just one code.

Setback distance is typically under the jurisdiction of zoning. When allowed to build in close proximity it challenges all the other agencies and the applicant to mitigate the hazards associated with that allowance. Where there is an established zoning setback it serves as a benefit in fire protection

by creating some defensible space and a break in the fuel chain. Fire Department does not recommend allowing structure to be built within the designated setback areas.

The Fire Department is consulting with the Building Department to evaluate coordinated efforts to increase fire protection but does not have recommendations at this time. The building code, regarding separation, addresses a time frame in which occupants have to exit the home before collapse. This does not adequately address the spread of fire (conflagration) partially due to the proximity of unprotected roof lines.

More fire resistive materials would be helpful and is something currently being evaluated. However, it is not typically ordered by fire codes unless specifically adopted for identified high hazard areas.

Regarding access, current Maui Fire Code amendment requires a secondary access for a road serving more than 20 lots. This was based on the assumption that the typical development may include one house and one ohana (two families).

Maui County has recently now allowed up to 3 dwellings in many areas. An increase in people is an increase in potential for a fire incident. More structures, more fuel, adding to intensity and spread. This scenario impacts the Fire Dept. ability to gain control and containment resulting in larger number of people and their associated vehicles attempting to evacuate.

The requirement for multiple access or additional road widening should be based on potential number of people / vehicles utilizing that access way in an emergency. Fire code only addresses access and that which hinders access. Egress or evacuation is not in the scope of the Fire Dept. However, in cooperation with public works and a traffic analysis this should be considered anywhere an increase in density is proposed.

Wider roads can also serve as fuel breaks between developed areas.

The Fire Department recommends maintaining the maximum amount of space between structures whenever possible.

- b. Your correspondence indicates that “a lack of infrastructure maintenance and improvement” contributed to the August 2023 Maui wildfires. Please clarify the specific aspects of infrastructure maintenance and improvement that were found to be deficient.

As our county adopts newer and safer standards, the existing infrastructure

needs to follow suit were ever possible and not just in new developments. More density and mixed land use allowance should be accompanied by access capable of handling that volume and adequate water supply for the type of land use development.

Currently water department is repairing and improving the supply to meet the current standards.

- c. What specific roadway improvements are needed to provide clear ingress for emergency response while allowing for emergency egress of residents? Please include the location of the improvements.

A complete survey of Lahaina is required to specifically identify the areas not meeting the minimum standards for fire access. These include:

- **Clear 20 ft wide all-weather driving surface**
- **Turning radius**
- **Fire apparatus turnaround capability at any dead-end road exceeding 150 feet distance.**
- **Through streets, secondary egress and further road widening may be required in consideration of higher density and traffic impacted areas. (by others)**

- i. Has the Department transmitted written response to the Department of Public works and the State of Hawaii Department of Transportation documenting the roadway improvements needed? If so, please provide a copy of their response. If not, please explain why.

There has been no written correspondence sent to PW and State DOT. The reason for this is that the roads need to be surveyed to determine accurate dimensions. The minimum fire apparatus access requirements are sited in the adopted Hawaii State and Maui County Fire Code.

As part of the Fire Department burn site evaluation some substandard areas were identified and shared with county departments in discussions as it related to the building permit review process.

- d. What specific mitigation ordinances are needed if Bill 105 is enacted?

Mitigation ordinances/requirements would be based on the types of non-conformities.

The Planning Department has provide clarity on the various circumstances that could be inclusive of non-conforming. It appears that most of the fire prevention concerns will be addressed through the review process and the application of current fire codes.

Our only remaining concern at this point is the allowance to re-build in the setbacks.

The Fire Department recommends conforming to the setback requirements by current zoning in order to maintain the intended and beneficial distance between structures.

Where necessary owner should apply for a special use, change in zoning or variance which would allow Fire Dept. and other agencies an opportunity review on case-by-case basis.

2. Does the Department recommend incorporating Insurance Institute for Business & Home Safety standards into the Maui County Code? Please explain why or why not. Furthermore, would incorporating these standards affect insurance costs?

More research is required to consider how and to what extent IBHS standards should be incorporated.

3. Please provide your feedback on comments the Committee has received from other Departments relating to Bill 105.

We have reviewed the comments provided by other departments. This led us to having a meeting with the Planning department to discuss options to mitigate the fire safety concerns.

If you have any further questions or concerns, please feel free to contact the Office of the Fire Chief at (808) 270-7561.

Sincerely,



BRADFORD K. VENTURA
Fire Chief

HLU Committee

From: Michelle L. Santos <Michelle.Santos@co.maui.hi.us>
Sent: Tuesday, December 3, 2024 12:42 PM
To: HLU Committee
Cc: Cynthia E. Sasada; Josiah K. Nishita; Kelii P. Nahooikaika; Bradford K. Ventura; Chasserae K. Kaawa; Gavin L. Fujioka; Ryan Y. Otsubo
Subject: Bill 105
Attachments: MT#10882-HLU Committee.pdf

Follow Up Flag: Follow up
Flag Status: Flagged