



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** County Counsel  
**Department No.:** 013  
**For Agenda Of:** January 10, 2023  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

---

**TO:** Board of Supervisors

**FROM:** County Counsel on behalf of the Montecito Fire Protection District

Contact Info: Kevin Taylor, Montecito Fire Protection District Fire Chief  
(805) 969-7762

Susan McKenzie, Sr. Deputy County Counsel  
(805) 568-2950

**SUBJECT:** Ratification of the Montecito Fire Protection District's adoption of Ordinance No. 2022-01 (adopting and amending the 2022 California Fire Code and Appendices and amending Section R313 of the 2022 California Residential Code)

---

**County Counsel Concurrence**

As to form: Yes

Other Concurrence: N/A

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

- (a) Adopt the attached resolution ratifying Montecito Fire Protection District's Ordinance 2022-01 (adopting and amending the 2022 California Fire Code and Appendices; amending Section R313 of the 2022 California Residential Code; amending Section 1505 of the 2022 California Building Code; and repealing Ordinance No. 2019-02) (Attachment A);
- (b) Upon ratification of the Ordinance, instruct the Clerk of the Board to forward a copy of the Board's ratifying Resolution, and the Montecito Fire Protection District's Ordinance (including Montecito Fire Protection District's findings which are set forth in Article 11 of the Ordinance), to the California Department of Housing and Community Development, pursuant to Health and Safety Code Section 13869.7; and
- (c) Determine that the adoption of the resolution is categorically exempt from the California Environmental Quality Act in compliance with Section 15061(b)(3) (no possibility of impact on the environment).

**Summary Text:**

The Montecito Fire Protection District (“District”) has adopted by ordinance, building standards relating to fire and panic safety that are more stringent than those adopted by the State Fire Marshal and contained in the 2022 California Fire Code. The District has also amended Section R313 of the 2022 California Residential Code. No ordinance adopted by a fire protection district shall be effective unless ratified by the County where the ordinance will apply. The Board may ratify, modify or deny any such ordinance.

**Background:**

On November 28, 2022, the District adopted Ordinance No. 2022-01 which adopted and amended the 2022 California Fire Code and amended Section R313 of the 2022 California Residential Code. The amendments made related to: prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion; adopting by reference the Montecito Fire Protection District development standards; providing for the issuance of permits for hazardous uses or operations; establishing a bureau of fire prevention and providing officers therefore and defining their powers and duties within the district; amending Section R313 of the 2022 California Residential Code; amending Section 1505 of the 2022 California Building Code; and Repealing Ordinance No. 2019-02. These amendments are more restrictive than the requirements contained in the State Codes.

Health and Safety Code Section 13869.7 provides that a fire protection district may adopt building standards relating to fire and panic safety that are more stringent than those building standards adopted by the State Fire Marshal. More stringent building standards are contained in the District’s Ordinance No. 2022-01. the District’s findings are in Article 11 of the Ordinance.

Pursuant to Health and Safety Code Section 13869.7, the District has forwarded Ordinance 2022-01 to the County and has requested ratification by the Board of Supervisors. (December 5, 2022 Letter and Ordinance No. 2022-01 are attached). The Board may ratify, modify or deny the adopted ordinance and transmit its determination to the District’s within 15 days of its determination. Any modification or denial of an adopted ordinance shall include a written statement describing the reasons for any modifications or denial. the District’s Ordinance is not effective unless ratified by the Board of Supervisors.

Copies of the Ordinance were provided to the County on or about December 5, 2022. No written comments were returned to the District.

**Fiscal and Facilities Impacts:**

Not applicable.

**Staffing Impacts:**

Not applicable.

**Special Instructions:**

- (a) Transmit a copy of the resolution to the Montecito Fire Protection District within 15 days of its adoption.
- (b) Upon ratification of the Ordinance, instruct staff to forward a copy of the Board’s ratifying Resolution and the District’s Ordinance (which includes the findings set forth in Article 11) to

the California Department of Housing and Community Development, pursuant to Health and Safety Code Section 13869.7.

**Attachments:**

Attachment A - Board of Supervisors Resolution

Attachment B – December 5, 2022 Letter from Price, Postel, & Parma LLP

Attachment C - Montecito Fire Protection District Ordinance No 2022-01

**Authored by:**

Susan McKenzie, Sr. Deputy County Counsel

**cc:**

Kevin Taylor, Fire Chief  
Montecito Fire Protection District

Cameron Goodman  
Price, Postel & Parma LLP

Craig Johnson  
County Building Official

Rob Hazard  
County Fire Marshal