

12. Consider approving in concept an "Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) Regarding the Definition of Open Burn Season and Permits Required to Kindle Fires", confirm the proposal is exempt from requirements of the California Environmental Quality Act, and take related actions ()



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** General Services Department

**Subject:** Consider Approving in concept an Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code)

**Meeting Date:** May 20, 2025

**Formal Title:** Consider approving in concept an "Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) Regarding the Definition of Open Burn Season and Permits Required to Kindle Fires", confirm the proposal is exempt from requirements of the California Environmental Quality Act, and take related actions

### **Recommended Actions**

1. Adopt the attached resolution finding adoption of the proposed ordinance is exempt from further environmental review under the California Environmental Quality Act (CEQA), directing staff to file the CEQA Notice of Exemption, and making findings regarding administrative and technical amendments of the California Building Standards Code;
2. Approve in concept "An Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) Regarding the Definition of Open Burn Season and Permits Required to Kindle Fires;"
3. Schedule the ordinance for a second reading and final adoption on June 10, 2025;
4. Direct the Clerk of the Board to publish the Notice of Proposed Ordinance Summary in a newspaper of general circulation at least five days prior to the scheduled second reading and final adoption, no later than June 5, 2025, pursuant to Government Code Section 25124; and
5. Direct the Director of General Services Department to mail a copy of the technical amendments to the California Building Standards Commission and obtain a file-stamped endorsed copy for retention with the Santa Cruz County Fire Department.

### **Executive Summary**

This ordinance would amend Section 7.92.307.2 of the Santa Cruz County Code, to define open burn season and establish the requirement to obtain permits to kindle fires outdoors, aligning County Code with California Public Resources Code Section 4423, which prohibits, among other things, burning materials outdoors in any State Responsibility Area without a permit issued by CAL FIRE. The Ordinance will also require that a person wishing to kindle a fire outdoors to obtain a permit from the Monterey Bay Area Unified Air Pollution Control District (MBARD), when required, and a permit from the Local Fire Chief for kindling fires outdoors in the Local Responsibility Areas (LRA). It also grants CAL FIRE the authority to proclaim the open burn season in designated State Responsibility Areas (SRA). These revisions aim to enhance public safety and compliance with state regulations.

## Discussion

On December 6, 2022, the Board of Supervisors amended Chapter 7.92 of the Santa Cruz County Code (Fire Code), making certain modifications to the Fire Code as authorized by California Health and Safety Code section 17958.7.

The Fire Code currently requires individuals to obtain a permit prior to kindling a fire outdoors if required by the local fire chief, but it does not extend the requirement to obtain permits from the California Department of Forestry and Fire Protection (CAL FIRE).

CAL FIRE created the "Guidelines for Pile Burning," a county-wide standard for residential pile burning. To ensure strict adherence to this guidelines and for safety purposes, CAL FIRE has recommended that the Board approve changes to the Fire Code to require that this practice be subject to a permit from the local fire chief, if located in Local Responsibility Areas (LRA), and from the CAL FIRE fire chief, if located in State Responsibility Areas (SRA), as well as from MBARD when applicable.

Assembly Bill 642, enacted in 2021, required CAL FIRE to develop an automated burn permit program, that replaced the issuance of physical burn permits in person at fire stations. CAL FIRE implemented an online platform that streamlines the permit process and ensures that all applicants are educated on safe burning practices before receiving a permit. This system improves public awareness, as applicants now receive a physical permit document outlining the rules and regulations established by CAL FIRE. The physical permit also strengthens enforcement efforts by providing clear evidence that a resident has been informed of, and agreed to, the terms of the burn permit.

In addition to CAL FIRE's online permit system, certain burning activities in Santa Cruz County are subject to the requirements of the Monterey Bay Area Unified Air Pollution Control District (MBARD), which also issues permits depending on location, time of the year and type of burn. This ordinance addresses these regulations by mandating that residents obtain permits from both CAL FIRE and MBARD, as applicable, ensuring comprehensive compliance with all relevant fire safety standards.

The open burn season for Santa Cruz County, unless otherwise declared, shall be December 1st through April 30th of the calendar year. The ordinance updates the declaration of the open burn season within areas designated State Responsibility Areas (SRA), providing that it shall not be declared between May 1st and the date CAL FIRE declares that the hazardous fire conditions have been abated for that year.

The proposed ordinance will:

- Establish the requirement for permits to kindle an outdoor fire within the unincorporated areas of Santa Cruz County, with permits issued by the appropriate local and state fire authorities, and, if applicable, MBARD
- Grants CAL FIRE the authority to proclaim the open burn season within State Responsibility Areas, based on the abatement of hazardous fire conditions.
- Align County Code Section 7.92.307.2 with California Public Resources Code Section 4423 regarding timeframes and authority.

These amendments are designed to improve coordination between state and county authorities, enhance public safety, and ensure that residents are fully informed of their responsibilities when conducting controlled burns.

Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) will promote greater public understanding of fire safety practices, improve enforcement of residential burning requirements, and better align Santa Cruz County's fire regulations with those of state authorities. The proposed amendments are exempt under CEQA Guidelines Section 15061(b)(3), as they do not have the potential to cause a significant effect on the environment.

### **Financial Impact**

Actions outlined in this memo will have no financial impact.

### **Strategic Initiatives**

Operational Plan - Comprehensive Health & Safety, Sustainable Environment,  
Operational Excellence  
Climate Action - Wildfire Prevention

### **Submitted By:**

Michael Beaton, General Services Director

### **Recommended By:**

Carlos J. Palacios, County Executive Officer

### **Artificial Intelligence Acknowledgment:**

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 7.92.307.2 OF THE SANTA CRUZ COUNTY CODE (FIRE CODE) REGARDING THE DEFINITION OF OPEN BURN SEASON AND PERMITS REQUIRED TO KINDLE FIRES

The Board of Supervisors of the County of Santa Cruz (the “Board”) hereby finds and declares the following:

WHEREAS, on December 6, 2022, the Board amended Chapter 7.92 of the Santa Cruz County Code (“Fire Code”), making certain modifications to the Fire Code authorized by California Health and Safety Code section 17958.7; and

WHEREAS, the Fire Code requires individuals to obtain a permit prior to kindling a fire outdoors if required by the local fire chief, but does not require individuals to obtain a permit from the California Department of Forestry and Fire Protection (CAL FIRE); and

WHEREAS, CAL FIRE has created a county-wide standard for residential pile burning, set forth in its "Guidelines for Pile Burning" publication; and

WHEREAS, for safety purposes CAL FIRE has recommended that the Board approve changes to the Fire Code to require that residential pile burning be subject to a local permit procedure; and

WHEREAS, Assembly Bill 642 (Friedman), enacted in 2021, required CAL FIRE to develop and deploy an automated burn permit program, which CAL FIRE has done in the form of a publicly accessible website which satisfies the requirements of AB 642 (“Electronic Burn Permit Program”); and

WHEREAS, the issuance of permits through the Electronic Burn Permit Program ensures that all applicants are properly educated before kindling a fire outdoors, and provides a permit document to each applicant that clearly specifies the conditions, rules and regulations established for residential pile burning; and

WHEREAS, Monterey Bay Area Unified Air Pollution Control District (MBARD) has its own authority to require permits to kindle fires and it is the responsibility of an individual wishing to kindle a fire to obtain such a permit from MBARD, if required; and

WHEREAS, it is deemed appropriate for CAL FIRE to have the authority to proclaim the start of the “open burn season” in areas designated as State Responsibility Areas, based on the assessment of hazardous fire conditions, should it fall outside the standard open burn season dates; and

WHEREAS, in light of the foregoing facts, the Board has identified additional technical amendments to the Fire Code regarding the definition of “open burn season” and the requirement of a permit to kindle a fire, that are necessary for the health, fire safety and general welfare of

Santa Cruz County residents, and to address fire hazards and conditions created by local climatic, geological or topographical conditions in Santa Cruz County; and

WHEREAS, these additional technical amendments will also align the Santa Cruz County Fire Code with California Public Resources Code Section 4423;

NOW, THEREFORE, the Board of Supervisors of the County of Santa Cruz hereby ordains as follows:

## **SECTION I**

Section 7.92.307.2 of the Santa Cruz County Code is hereby amended to read as follows:

**“7.92.307.2 Section 307.2 is amended – Permit required.**

Section 307.2 of Chapter 3 of the Fire Code of Santa Cruz County is amended to read as follows:

### **307.2 Permit required.**

When required by the CAL FIRE Fire Chief for the San Mateo-Santa Cruz Unit, a permit shall be obtained in accordance with Section 105.5 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. In addition, open burning is not allowed within the Local Responsibility Area of Santa Cruz County without the approval of the local fire chief having jurisdiction over that property.

The open burn season for Santa Cruz County, unless otherwise declared, shall be December 1st through April 30th of the calendar year. Within areas designated State Responsibility Area, open burn season shall not be declared between May 1st and the date CAL FIRE declares, by proclamation, that hazardous fire conditions have been abated for that year.

During the open burn season, pile burning is allowed under CAL FIRE permits provided that all conditions specified in the permits are followed. Monterey Bay Area Unified Air Pollution Control District (MBARD) permits may also be required given the location, time of year, and type of burn. Responsibility for obtaining the proper MBARD permit rests with the applicant.”

## **SECTION II**

The project to adopt this amendment to the Santa Cruz County Fire Code is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility the enactment of the ordinance will have a significant effect on the environment.

## **SECTION III**

The Board of Supervisors finds that the proposed amendments to the County Code are consistent with other provisions of the County Code and with State law.

#### SECTION IV

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

#### SECTION V

This ordinance shall take effect on the 31st day following final adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2025, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS


ABSTAIN: SUPERVISORS

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Felipe Hernandez  
Chairperson of the Board of Supervisors

ATTEST: \_\_\_\_\_  
Juliette Rezzato  
Clerk of the Board

APPROVED AS TO FORM:

Signed by:  
 5/5/2025  
\_\_\_\_\_  
FD318C222C994D0...  
Arthur G. Wille  
Assistant County Counsel

## Certificate Of Completion

Envelope Id: 4F13701D-0E49-4219-AC30-54B980C4E279

Status: Completed

Subject: Complete with Docusign: Ordinance Amending Ord Code Section 7.92.307.2

Source Envelope:

Document Pages: 3

Signatures: 1

Envelope Originator:

Certificate Pages: 4

Initials: 0

Paola Echeverria

AutoNav: Enabled

701 Ocean Street

Envelopeld Stamping: Enabled

Santa Cruz, CA 95060

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Paola.Echeverria@santacruzcountyca.gov

IP Address: 10.103.81.73

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Location: Docusign

## Signer Events

## Signature

## Timestamp

Arthur Wille

arthur.wille@santacruzcountyca.gov

County of Santa Cruz

Assistant County Counsel

Security Level: Email, Account Authentication (None)

Signed by:

FD318C222C994D0...

Signature Adoption: Pre-selected Style

Using IP Address: 75.194.160.49

Sent: 4/28/2025 7:00:07 AM

Resent: 5/5/2025 8:55:22 AM

Viewed: 5/5/2025 11:05:39 AM

Signed: 5/5/2025 11:19:33 AM

## Electronic Record and Signature Disclosure:

Accepted: 5/5/2025 11:05:39 AM

ID: 1f32cd43-b84b-4a9e-a71f-45d54b701116

## In Person Signer Events

## Signature

## Timestamp

## Editor Delivery Events

## Status

## Timestamp

## Agent Delivery Events

## Status

## Timestamp

## Intermediary Delivery Events

## Status

## Timestamp

## Certified Delivery Events

## Status

## Timestamp

## Carbon Copy Events

## Status

## Timestamp

## Witness Events

## Signature

## Timestamp

## Notary Events

## Signature

## Timestamp

## Envelope Summary Events

## Status

## Timestamps

Envelope Sent

Hashed/Encrypted

4/28/2025 7:00:07 AM

Certified Delivered

Security Checked

5/5/2025 11:05:39 AM

Signing Complete

Security Checked

5/5/2025 11:19:33 AM

Completed

Security Checked

5/5/2025 11:19:33 AM

## Payment Events

## Status

## Timestamps

## Electronic Record and Signature Disclosure



## **ELECTRONIC RECORD AND SIGNATURE DISCLOSURE**

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

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At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

### **Withdrawing your consent**

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

### **Consequences of changing your mind**

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

### **All notices and disclosures will be sent to you electronically**

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

### **How to contact County of Santa Cruz:**

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us)

### **To advise County of Santa Cruz of your new email address**

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us) and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

### **To request paper copies from County of Santa Cruz**

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us) and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

### **To withdraw your consent with County of Santa Cruz**

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to [nada.algharib@santacruzcounty.us](mailto:nada.algharib@santacruzcounty.us) and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

### **Required hardware and software**

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

### **Acknowledging your access and consent to receive and sign documents electronically**

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.

**7.92.307.2 Section 307.2 is amended — Permit required.**

Section 307.2 of Chapter 3 of the Fire Code of Santa Cruz County is amended to read as follows:

**307.2—Permit required.**

When required by the ~~fire chief~~ CAL FIRE Fire Chief for the San Mateo-Santa Cruz Unit, a permit shall be obtained in accordance with Section 105.5 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such permit shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. In addition, open burning is not allowed within the Local Responsibility Area of Santa Cruz County without the approval of the local fire chief having jurisdiction over that property.

The open burn season for Santa Cruz County, unless otherwise declared, shall be December 1st through April 30th of the calendar year. ~~The dates may only be changed by the Monterey Bay Area Unified Air Pollution Control District~~ Within areas designated State Responsibility Area, open burn season shall not be declared between May 1st and the date CAL FIRE declares, by proclamation, that hazardous fire conditions have been abated for that year.

~~Exception:~~ During the ~~“declared~~ open burn season, pile burning is allowed under CAL FIRE permits provided that all conditions specified in the permits are followed.” ~~(as declared by the Monterey Bay Area Unified Air Pollution Control District)~~ pile burning is allowed, at the discretion of the fire chief, when the “Guidelines for Pile Burning” (published by the California Department of Forestry and Fire Protection or Monterey Bay Area Unified Air Pollution Control District) are strictly adhered to. (MBARD) permits may also be required given location, time of year, and type of burn. Responsibility for obtaining the proper MBARD permit rests with the applicant.

**PUBLIC NOTICE  
PROPOSED ORDINANCE  
(SUMMARY)**

Board of Supervisors Information (for Clerk Use only):

Approved in Concept: Click or tap to enter a date.

AMS Item: Click or tap here to enter text.

Scheduled for Second Reading & Final Adoption: Click or tap to enter a date.

Ordinance Title:

AN ORDINANCE AMENDING SECTION 7.92.307.2 OF THE SANTA CRUZ COUNTY CODE (FIRE CODE) REGARDING THE DEFINITION OF OPEN BURN SEASON AND PERMITS REQUIRED TO KINDLE FIRES

Ordinance Summary:

This Ordinance amends Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) to align it with the California Public Resources Code Section 4423 and makes technical amendments regarding requirements for property owners to obtain approval before kindling fires outdoors. The Ordinance would prohibit open burning in the Local Responsibility Area unless approval is obtained from the local fire chief. The open burn season will remain December 1 through April 30<sup>th</sup>, except in State Responsibility Areas where the open burn season will not be declared between May 1<sup>st</sup> and the date CAL FIRE declares that hazardous fire conditions have abated. Pile burning is allowed during the open burn season with CAL FIRE permits. In addition, depending on the type of burning, permits may also be required from the Monterey Bay Area Unified Air Pollution Control District (MBARD).

The full text of this ordinance is available for public review at the Office of the Clerk of the Board, Room 520, Governmental Center Building, 701 Ocean Street, 5th Floor, Santa Cruz, California 95060; and on the Internet at:

<https://santacruzcountyca.primegov.com/public/portal>

For Clerk Use Only:

By: Click or tap here to enter text.

Dated: Click or tap to enter a date.



# County of Santa Cruz

## Department of Community Development and Infrastructure

701 Ocean Street, Fourth Floor, Santa Cruz, CA 95060

Planning (831) 454-2580  
sccoplanning.com

Public Works (831) 454-2160  
dpw.co.santa-cruz.ca.us

### NOTICE OF EXEMPTION

To: Clerk of the Board  
Attn: Juliette Rezzato  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

**Project Name:** Amendment of County Fire Code  
**Project Location:** Countywide  
**Assessor Parcel No.:** Not applicable  
**Project Applicant:** County of Santa Cruz  
**Project Description:** Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code regarding open burn season and permits required to kindle fires.  
**Agency Approving Project:** County of Santa Cruz  
**County Contact:** Paola Echeverria Telephone No. (831)454-2709  
**Date Completed:** April 11, 2025

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on \_\_\_\_\_, and found the project to be exempt from CEQA under the following criteria:

Exempt status: (check one)

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.
- ☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
- ☒ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).
- ☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.
- ☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

☐ **Categorical Exemption**

Class 1

#### Reasons why the project is exempt:

These ordinance amendments are exempt under CEQA Guidelines Section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the adoption of the State codes with local amendments may have a significant effect on the environment. Therefore, the activity is not subject to CEQA. None of the conditions described in Section 15300.2 apply to this project.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: Environmental Coordinator

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. \_\_\_\_\_

On the motion of Supervisor:  
Duly seconded by Supervisor:

The following resolution is adopted:

**RESOLUTION APPROVING FINDINGS FOR LOCAL AMENDMENTS TO THE  
2022 CALIFORNIA BUILDING STANDARDS CODE, DIRECTING THE  
FINDINGS AND AMENDMENTS BE FILED WITH THE CALIFORNIA  
BUILDING STANDARDS COMMISSION, DETERMINING THAT  
ENACTMENT OF THE LOCAL AMENDMENTS IS EXEMPT FROM  
FURTHER REVIEW UNDER CEQA, AND DIRECTING A NOTICE OF  
EXEMPTION TO BE FILED**

WHEREAS, on December 6, 2022, the Board amended Chapter 7.92 of the Santa Cruz County Code (“Fire Code”), to incorporate relevant provisions of the 2022 California Building Standards Code and to make certain modifications to the Fire Code authorized by California Health and Safety Code section 17958.7; and

WHEREAS, California Health and Safety Code Section 17958.7 allows local governments to adopt technical amendments to State Building Standards if more restrictive standards are found reasonably necessary to address local climatic, geological, or topographical conditions, express findings are made for each modification, and a copy of the findings, together with the modification expressly marked and identified to which each finding refers, is filed with the California Building Standards Commission; and

WHEREAS, the Santa Cruz County Board of Supervisors finds that additional technical amendments of the 2022 California Building Standards Code related to the definition of open burn season and the requirement to obtain permits required to kindle fires outdoors (the “2025 Amendments”) are necessary for the health, safety and general welfare of Santa Cruz County residents to address local climatic, geological, or topographical conditions that result in elevated fire hazards; and

WHEREAS, the project to adopt additional amendments to the 2022 California Building Standards Code is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no possibility the enactment of the ordinance will have a significant effect on the environment;

Resolution \_\_\_\_\_

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Board of Supervisors determines that enactment of the 2025 Amendments is exempt from further review under CEQA, and directs staff to file the Notice of Exemption in Exhibit A, and be it further resolved and ordered that the Board of Supervisors hereby adopts express findings for the 2025 Amendments, as contained in Exhibit B, and directs staff to file the technical amendments and these associated findings with the California Building Standards Commission.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:


ABSTAIN:

\_\_\_\_\_  
Felipe Hernandez  
Chair of the Board of Supervisors

ATTEST: \_\_\_\_\_

Juliette Rezzato  
Clerk of the Board

Approved as to Form:

Signed by:  
 5/5/2025  
\_\_\_\_\_  
Assistant County Counsel  
Office of the County Counsel

Attachment(s):      Exhibit A  
                             Exhibit B



Resolution \_\_\_\_\_

**Exhibit A**

**NOTICE OF EXEMPTION**

**To:** Clerk of the Board  
Attn: Juliette Rezzato  
701 Ocean Street, Room 500  
Santa Cruz, CA 95060

**Project Name:** Amendment of County Fire Code  
**Project Location:** Countywide  
**Assessor Parcel No.:** Not applicable  
**Project Applicant:** County of Santa Cruz  
**Project Description:** Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code regarding open burn season and permits required to kindle fires.  
**Agency Approving Project:** County of Santa Cruz  
**County Contact:** Paola Echeverria Telephone No. (831)454-2709  
**Date Completed:** April 11, 2025

This is to advise that the County of Santa Cruz Board of Supervisors has approved the above described project on \_\_\_\_\_, and found the project to be exempt from CEQA under the following criteria:

Exempt status: *(check one)*

- ☐ The proposed activity is not a project under CEQA Guidelines Section 15378.  
☐ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).  
☒ The proposed activity is exempt from CEQA as specified under CEQA Guidelines Section 15061(b)(3).  
☐ **Ministerial Project** involving only the use of fixed standards or objective measurements without personal judgment.  
☐ **Statutory Exemption** other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

☐ **Categorical Exemption**

Class 1

**Reasons why the project is exempt:**

These ordinance amendments are exempt under CEQA Guidelines Section 15061(b)(3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that the adoption of the State codes with local amendments may have a significant effect on the environment. Therefore, the activity is not subject to CEQA. None of the conditions described in Section 15300.2 apply to this project.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: Environmental Coordinator

Resolution \_\_\_\_\_

## Exhibit B

### Santa Cruz County Findings for Amendments to the 2022 California Building Standards Code

**A. Administrative:** This amendment is necessary for administrative clarification and effective local enforcement of outdoor burning regulations, and does not modify a Building Standard pursuant to California Health and Safety Code Sections 17958.5, 17958.7, and 18909. It clarifies permit requirements for kindling fires outdoors, distinguishes jurisdictional responsibilities between CAL FIRE and local fire chiefs, defines the timing and conditions of the open burn season for Santa Cruz County, and specifies applicant obligations regarding additional permits from the Monterey Bay Air Resources District (MBARD).

**C. Climatic:** This amendment is justified on the basis of local climatic conditions.

Santa Cruz County is known to experience drought conditions, leading to dry vegetation, particularly in its valleys, canyons, and ravines. These factors, combined with high fire hazard conditions, can result in destructive wildfires, such as the Summit, Trabing and Martin Fires in 2008. Additionally, the lack of sufficient rainfall exacerbates fire dangers, and the wildfire risk is amplified in areas with insufficient water resources for firefighting efforts.

The County's weather patterns contribute to the rapid spread of fires, especially in areas where urban development and wildlands intersect. These factors, including wind conditions during the dry season, create an environment where fires can spread quickly and pose severe threats to both structures and natural resources.

Due to these climatic conditions, the proposed amendments aim to mitigate fire risks and improve fire safety protocols, especially in the context of outdoor burning activities.

**G. Geologic:** This amendment is justified on the basis of local geologic conditions.

The County is subject to earthquake hazards due to its proximity to several active fault zones, including the San Andreas, Butano, Zayante, Corralitos, and San Gregorio. The epicenter of the 1989 Loma Prieta Earthquake, which was located within Santa Cruz County, caused widespread damage to structures and underscored the vulnerability of the County's infrastructure during seismic events. Additionally, underwater earthquakes on faults off the coast of Monterey Bay, or earthquakes from other regions, can cause devastating damage to property and structures from tsunamis, particularly when exacerbated by flooding in streams and rivers.

Areas of Santa Cruz County are subject to major disasters such as earthquakes, flooding, landslides, and major wildland fires, which greatly limit traditional fire suppression capabilities for individual property protection. As witnessed in the 1989 Loma Prieta Earthquake, a major seismic event can create a substantial demand on fire protection services.

Resolution \_\_\_\_\_

These seismic and geological hazards, along with the risk of landslides and flooding, highlight the need for clear and enforceable fire safety standards. The outdoor burning regulations are part of a broader strategy to reduce fire hazards that could be exacerbated by these geological factors, thereby enhancing the safety of the County's community.

**T. Topographic:** This amendment is justified on the basis of local topographic conditions.

The County's topography includes significant hillsides with steep bluffs, slopes and ravines, with a history of landslides, slope failures, runoff, erosion and flooding. Dry vegetation during high fire hazard conditions in this topography can produce destructive wildfires, such as the Summit, Trabing and Martin Fires in 2008. In addition, the County has numerous properties and structures located within known active flood hazard areas and coastal high hazard areas which will continue to experience increased risks from flooding, storm surges, wave attacks, tsunamis and seiches.

Areas of Santa Cruz County are extraordinarily inaccessible for firefighting purposes due to their mountainous topography. Most of the roadways connecting the community are classified as rural arterial and collector roads. These roadways, in many cases, do not allow for 2-way traffic to safely pass. Additionally, during events such as wildfires, earthquakes and flooding, the roadways have proven to be less than adequate for the response of emergency vehicles.

Due to these local topographic conditions, the modifications and changes cited herein are designed to better protect the structures and the safety of the community. Controlling outdoor burning activities and ensuring that safety measures are in place will reduce the risk of large-scale wildfires in the County's challenging environment.

## Certificate Of Completion

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County of Santa Cruz

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## **REGULAR AGENDA**

### *Scheduled and Regular Departmental items – 9:00 AM or thereafter*

12. Consider approving in concept an "Ordinance Amending Section 7.92.307.2 of the Santa Cruz County Code (Fire Code) Regarding the Definition of Open Burn Season and Permits Required to Kindle Fires", confirm the proposal is exempt from requirements of the California Environmental Quality Act, and take related actions

**Name:** Becky Steinbruner

**Comment - 05/20/2025 08:16 AM: ( For )**

Dear Supervisors,

How will this be enforced? How will fire agencies regard "Warming Fires" in high fire risk areas during the no-burn season?

Thank you for paying attention to this.

Sincerely,

Becky Steinbruner