



STAFF REPORT

Planning Commission Work Session

Meeting Type: Planning Commission Work Session
Meeting Date: May 27, 2025
From: Patrick Depa, Senior Planner
Subject: Chapter 8.36 Outdoor Burning Code Amendments

DECISION TO BE MADE:

Hold a work session to discuss proposed code amendments to Chapter 8.36 - Outdoor Burning in Sandy's Municipal Code.

APPLICABLE COUNCIL GOAL:

6.8: Study options for updating the City's regulations on outdoor burning.

BACKGROUND / CONTEXT:

Depending on where you live, cities, counties, and local fire districts have their own restrictions on outdoor burning. Throughout the year, there may be bans or restrictions in place for open burning to keep air healthy to breathe or to mitigate the potential of wildfires. The agencies that have jurisdiction over the City of Sandy are Clackamas Fire (in contract with Sandy Fire), the Department of Environmental Quality (DEQ), and the Oregon Department of Forestry (ODF) for burning of slash.

In Sandy, the Oregon DEQ (Department of Environmental Quality) burning seasons are from March 1st to June 15th (spring) and October 1st to December 15th (fall). These seasons are subject to changes based on high fire danger or other factors. Clackamas Fire's burn seasons mirror the Oregon DEQ burn seasons.

The City of Sandy's regulations on outdoor burning are found in **Chapter 8.36 - Outdoor Burning** and were last updated in 2005. The current code for "Outdoor Burning" is relatively short, vague, limited, and does not address matters like "Enforcement and Violations" (See Exhibit A).

Councilor Hokanson reached out to the City Manager with a request to add more regulations to Chapter 8.36. The goal of this code update, as described by Councilor Hokanson, is to add more regulations and to cite Fire Code and DEQ regulations. Councilor Hokanson brought up amending Chapter 8.36 during the City Council goal setting session in February 2025 and it became one of the Council's goals for 2025-2027.

On January 13, 2025, the Planning Commission and staff introduced a long list of goals and objectives that were recently approved in the 2050 Comprehensive Plan in order to set priorities for the same

biennial goal period as the City Council. Amending Chapter 8.36 - Outdoor Burning was identified as one of the higher goals on that list.

KEY CONSIDERATIONS / ANALYSIS:

The purpose of this code modification will continue to promote public health, safety, and welfare. The Clackamas County Fire Marshal's Shawn Olson and Mike Boumann reviewed the draft code amendments, as did the City Attorney. Their comments and suggested edits have been incorporated into the draft code amendments.

Department of Environmental Quality (DEQ)

Burning of yard debris, sometimes referred to as backyard burning, is allowed only during two Department of Environmental Quality (DEQ) burn seasons; March 1 to June 15 and October 1 to December 15. No permits are required for burning of yard debris; however, the homeowner is still responsible for complying with all safety rules and DEQ regulations. Each day before burning, residents are required to call the DEQ recorded burn information line (503-668-0126) and obtain verification that burning is allowed for the day. DEQ has a defined burn boundary within the fire district that specifies where open burning (backyard burning) is not allowed. Sandy does not fall into any of these DEQ districts.

The following information outlines the primary proposed code modifications:

These new standards will create a better understanding of where and when outdoor burning may be allowed. Multiple subsections of this new code were taken from the Clackamas Fire District "Open Burn Guidelines" and the Oregon Fire Code (Interpretations and Technical Advisories) sheet consistent with OAR 340.

Open fires must be limited in size, be controlled, and not be a hazard to people, property, or standing vegetation. The modified code addresses the following:

1. Outlines jurisdiction requirements, including Sandy Fire District #2 which is part of Clackamas Fire and the Department of Environmental Quality (DEQ).
2. Added Agriculture Burn Permit requirements and parameters.
3. Added additional yard debris burning (i.e. Backyard Burning) requirements and parameters.
4. Created minimum lot size parameters for agricultural burning and backyard burning.
5. Added timeframes for Agricultural and Backyard burning: All fires shall be extinguished two hours before sunset.
6. Added parameters for burn pile size and height.
7. Added adjacent ground cover restrictions of vegetation growth to mitigate fire spread.
8. Added safety provisions such as having a garden hose present within 25 feet and connected to a water supply and that burning material shall be constantly attended.
9. Added that materials that emit noxious odors are prohibited.
10. Added enforcement standards.

11. Added violation parameters.

TOPICS FOR ADDITIONAL DISCUSSION:

The following is a list of items that are not governed by the fire district, DEQ, or ODF and therefore the City has discretion on the standards that we implement:

- Minimum lot sizes for permitted burns (agricultural and backyard burning)
 - Agricultural Burning: minimum of five acres (83 parcels in Sandy)
 - Backyard Burning: minimum of one acre (309 parcels in Sandy)
- Distance of the burn piles to lot lines and structures
 - Agricultural Burning: 200 feet to any property line or structure
 - Backyard Burning: 50 feet to any property line or structure
- Fine amounts (proposed as Class A infraction at \$1,000)
- Size of burn piles (proposed to not exceed 10 feet in diameter and 3 feet in height)
- Burn times (fires must be extinguished two hours before sunset for agricultural and backyard burning)

BUDGET IMPACT:

None

RECOMMENDATION:

Staff recommends that the Planning Commission discuss the proposed code modifications and provide staff with suggested modifications for staff to prepare a work session for the City Council.

LIST OF ATTACHMENTS / EXHIBITS:

Exhibit A: Chapter 8.36 with track change amendments