



STAFF REPORT

Meeting Type: City Council Work Session
Meeting Date: September 15, 2025
From: Kelly O'Neill Jr., Development Services Director
Subject: Code Update Discussion: Chapter 8.36 Outdoor Burning

DECISION TO BE MADE:

This is an introductory work session to discuss proposed code amendments to Sandy Municipal Code [Chapter 8.36 - Outdoor Burning](#).

APPLICABLE COUNCIL GOAL:

- **Goal 6.8:** Study options for updating the City's regulations on outdoor burning

BACKGROUND / CONTEXT:

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 May 27, 2025, staff asked the Planning Commission for input on the draft code amendments. The Planning Commission made a few recommendations as detailed in the [meeting minutes](#) that have been incorporated into the draft code amendments

The agencies that have fire related 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, DEQ 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 fire danger and 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).

KEY CONSIDERATIONS / ANALYSIS:

The proposed code amendments are intended to promote public health, safety, and welfare. The Clackamas County Fire Marshals Shawn Olson and Mike Boumann reviewed the draft code amendments, as did our City Attorney. Their comments and suggested edits have been incorporated into the draft code amendments. Multiple subsections of the revised 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 vegetation.

Code Issues Addressed

The modified code amendments address the following:

1. Outlines jurisdiction requirements, including 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 in accordance with state law.
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 connected to a water supply within 25 feet of the fire and that burning material shall be constantly attended.
9. Added that materials that emit noxious odors are prohibited.
10. Added local enforcement standards.
11. Added local violation parameters.

Recommended Standards for Sandy

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. Here is what is recommended by staff and the Planning Commission:

- 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: minimum of 200 feet to any property line or structure
 - Backyard Burning: minimum of 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)

Comparison Research

The following is a list of local jurisdictional-specific regulations for comparison's sake:

Happy Valley (<https://www.happyvalleyor.gov/services/code-enforcement/residential-open-burning/>)

- Allow recreational fires and barbeques just like Sandy.
- Allow backyard burning on properties one acre or larger.
- Burn piles shall not exceed 10 ft by 10 ft by 10 ft.
- Requires a permit and inspection prior to backyard burning.

Gresham (<https://www.greshamoregon.gov/outdoor-burning/>)

- Allow backyard burning on properties one acre or larger.

Canby (<https://www.canbyfire.org/burning-and-wildland>)

- Approved fire pits and ceremonial or warming fires will remain allowed unless we move into extreme fire danger.
- Outdoor burning shall be at least 50 feet from structures or combustible materials.
- Burn piles shall not exceed 9 ft by 9 ft by 9 ft.

Estacada (<https://www.estacadafire.org/general-8>)

- Outdoor burning shall be at least 50 feet from structures.
- Dimensional lumber, trash, and other non-yard debris items cannot be burned at any time.

Jurisdictions in Tualatin Valley FD (<https://www.tvfr.com/426/Backyard-Burning-of-Yard-Debris>)

- Does not regulate recreational fires such as small fire pits, fire tables, outdoor fireplaces, barbecue pits, campfires, and similar activities.
- Outdoor burning shall be at least 50 feet from structures or combustible materials.
- Burning of land or waste from land clearing operations, in preparation for construction of structures, homes or any other types of building, or non-agricultural operations, is prohibited.

BUDGET IMPACT:

None

RECOMMENDATION:

Staff recommend that the City Council discuss the proposed code modifications and provide staff with suggested modifications for staff to prepare an ordinance.

SUGGESTED MOTION LANGUAGE:

(none)

LIST OF ATTACHMENTS / EXHIBITS:

- Exhibit A: Chapter 8.36 with track change amendments