

WRITTEN TESTIMONY RECEIVED

SEPTEMBER 8, 2014, COUNCIL MEETING

**SECOND READING OF ORDINANCE NO. 2014-08
ORDINANCE AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION
OFFENSES, BY ADDING NEW CODE SECTION 5.655, TITLED "OPEN BURNING" AND
ADDING NEW CODE SECTION 5.660, TITLED "VIOLATIONS AND PENALTIES"**

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August 29, 2014

To: Forest Grove Mayor & City Council

Re: Proposed Backyard Burning Ban



I recently spoke at the July 7th Forest Grove City Council meeting, in opposition to the proposed ban of backyard burning in the city during the fall season. I explained my personal situation, with about 3 acres of forested land just off David Hill Road, in my backyard in the Summit Pointe subdivision.

I still think that banning the fall ban is unnecessary. I afterwards spoke with the fire department officials who were present at the meeting, and they stated to me that there is not really a safety issue at stake here, due to careless or untended fires. They stated that the only reason they could see for a possible ban would have to be around possible environmental concerns from the smoke, and that this was not their area of expertise. I maintain that the controlled and limited season burns we have already take into account state DEQ standards on clean air, and adding additional regulation on those already strict guidelines is unnecessary and not really a necessary or fitting issue for the city to also tackle.

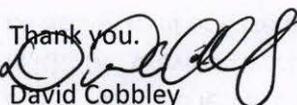
That said, let me explain a little further my personal situation. In the meeting, various council members and city citizens discussed alternatives such as free or inexpensive drop-off sites for large amounts of yard debris. While that may help some, it will not help myself and others like me. You see, my lot ("Tract D" of Summit Pointe) is actually not readily accessible by road. There is a much older road on the property which appears to have been abandoned and left in neglect 15 or more years ago (judging from the age and size of the trees now growing up in it). The previous west side access to property has been cut off by the houses built in the neighborhood, with no access road or easement left in place. Although we have tried to clear the other end of the road which connects to David Hill road, county repaving there has made the offramp to the road largely unusable, and the rest of the road is very bumpy and only accessible to a very high 4-wheel drive vehicle at best. Certainly nothing that a normal truck or trailer could successfully and safely navigate.

So you can see that I have no viable means of hauling off the debris from the hundred-plus trees in that forest.

I would propose that if the council does decide to proceed with the fall burning ban in any form, they seriously consider implementing a "hardship permit" procedure. Washington County has such a system in place for burning within the DEQ boundaries, which is normally prohibited altogether. A city plan should be established to allow those such as myself with little other recourse, to conduct limited burns during DEQ-allowed days in the fall, much as is allowed today. Though there should be appropriate requirements for property size or amount of trees and shrubs on the land, the process to obtain such a permit should not be onerous, and should be tailored to continue to allow citizens who really need to have a burn in the fall do so. This process could be administered by the city fire department (my first choice, as they are experts in this area), or by the city itself as an alternative.

Please consider my input as representing several other citizens in a similar situation before making your decision on September 8th.

Thank you.


David Cobbley

3525 Hood View Drive
Forest Grove, OR 97116

Anna Ruggles



From: Jon Holan
Sent: Tuesday, September 02, 2014 8:35 AM
To: Michael W. Kinkade; Dave Nemeyer
Cc: Michael Sykes; Peter Truax; George Cress; Rob Foster; Brian Schimmel (servefg@isonrise.com); Dale Feik (dfeik33@comcast.net); Deke Gundersen (deke@pacificu.edu); Diane Taniguchi-Dennis; Edgar Fausbo; Elaine Cole; Hailey Jongward; Hope Kramer (kranunzio@aol.com); John Hayes (jhayes@pacificu.edu); Karin Pfeiffer-Hoyt; Leslie Applegate Lanzar (leslielanzar@yahoo.com); Mitch Taylor (michtaylor4@gmail.com); Robin Lindsley (lindsley3@frontier.com)
Subject: Sustainability Commission Motion on Backyard Burning

Michael and Dave,

The Sustainability Commission at their meeting on Thursday, August 28th passed the following motion:

“The Sustainability Commission recommends to the City Council that backyard burning be banned in the City of Forest Grove and hardship exceptions be allowed.”

The reason for this position is the potential health risk associated with the activity as presented by Dr. John Hayes at the previous public hearing on this matter on August 11th. This motion passed 9-0-1 with the Diane Taniguchi-Dennis, the Clean Water Services representative on the Commission, abstaining.

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ORDINANCE NO. 2014-08

ORDINANCE AMENDING FOREST GROVE CODE CHAPTER 5, PUBLIC PROTECTION OFFENSES, BY ADDING NEW CODE SECTION 5.655, TITLED "OPEN BURNING" AND ADDING NEW CODE SECTION 5.660, TITLED "VIOLATIONS AND PENALTIES"

WHEREAS, the City Council finds unregulated open burning increases the risk of property damage by fire and threatens the safety and well-being of Forest Grove residents, and other persons; and

WHEREAS, the City Council finds that regulation of open burning is both appropriate and necessary due to the City's urban density and because smoke from Open Burning (particularly burning leaves) exacerbates breathing difficulties for many individuals; and

WHEREAS, the City Council held a duly-noticed Public Hearing on the proposed ordinance on August 11 and September 8, 2014.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The Forest Grove City Council hereby amends Forest Grove Code Chapter 5 by adding new Code Section 5.655, titled "Open Burning" as set forth in the attached Exhibit A.

Section 2. This ordinance is effective 30 days following its enactment by the City Council.

PRESENTED AND PASSED the first reading the 11th day of August, 2014.

PASSED the second reading the 11th day of August, 2014.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 8th day of September, 2014.

Peter B. Truax, Mayor

ORDINANCE NO. 2014-08
“EXHIBIT A”

CHAPTER 5 – PUBLIC PROTECTION OFFENSES

CITY OF FOREST GROVE CODE AMENDMENTS

NEW CODE SECTION 5.655

OPEN BURNING

NEW CODE SECTION 5.660

VIOLATIONS AND PENALTIES

5.655

Open Burning; Definitions.

- (1) Definitions. For the purpose of Code Section 5.655, the following terms are defined as follows:

Agricultural Burning. Outdoor Burning done to remove debris from a farm, nursery, orchard, livestock/poultry operation that is for profit.

Backyard Burning. Open Burning for the removal of yard debris from the property where the fire is occurring.

Land Clearing. The clearing of land for development or change in use, and includes the removal of large portions of stumps, brush, and tree debris.

Open Burning. The same as defined by OAR 340-264-0030(29) (2014).

Recreational/ceremonial/cooking fires. Fires used primarily for recreational events, campfires used for warming or cooking, or ceremonial purposes by a school, club, religious group or other approved events.

- (2) It is unlawful for any person to cause, permit, suffer or allow Open Burning within the city limits except as specifically allowed herein:
- i. During any Open Burning season as established by the Oregon Department of Environmental Quality (DEQ) and as may be adjusted locally. Burn seasons occur once a year between March 1 and June 15, but may be adjusted daily.
 - ii. Recreational, ceremonial or cooking fires as defined in Section (1) of this Code.
 - iii. Permitted burns for fire department training, agricultural, or land clearing operations, as approved by the Fire Department or other governmental agency.
- (3) Burn bans
Notwithstanding the exceptions set out in subsection (2) above, Open Burning in the City may be further restricted by Washington

County or the State Fire Marshall during periods of high fire danger or by the Fire Chief, or designee for fire or health safety.

- (4) Location
 - a. Open Burning shall be conducted at least 25 feet from property lines, structures and combustible vegetation.
 - b. An adequate fire break area shall be maintained around the Open Burning area the width of which shall be at a minimum equal to the height of the Open Burning pile.
 - c. All Open Burning is to be attended at all times by a competent and responsible person who shall be equipped with adequate fire protection tools and equipment at the ready, including at least a garden hose and shovel.
 - d. At the conclusion of the allowed Open Burning time, the burned area shall thoroughly soaked with water to ensure the fire is out.
- (5) Reimbursement for firefighting costs
 - a. The Forest Grove Fire Department may seek recovery of any and all costs incurred by it for responding to any improper Open Burning.

5.660

Violations and Penalties.

- (1) Any person violating Sections 5.655 is subject to a civil penalty in the amount of not less than \$100 and not more than \$250.
- (2) The Enforcement Officer may cite into Municipal Court for any violations.

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