

# EUGENE CITY COUNCIL

## AGENDA ITEM SUMMARY



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Public Hearing: A Special Ordinance Granting an Exemption to the Application of Section 6.200 of the Eugene Code, 1971 (Ordinance to Renew Five-Year Exception to Application for Controlled Ecological Burning)

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Meeting Date: May 23, 2016  
Department: Public Works  
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Agenda Item Number: 4  
Staff Contact: Shelly Miller  
Contact Telephone Number: 541-682-4888

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### **ISSUE STATEMENT**

The purpose of this hearing is to provide an opportunity for public input regarding a proposed ordinance to provide an exception to the application of Eugene Code 6.200 (open burning) for prescribed burning by the U.S. Bureau of Land Management (BLM), The Nature Conservancy (TNC), and City of Eugene for wetland vegetation protection, management, and restoration for a period of five years. The council is scheduled to take action on the proposed ordinance on June 13, 2016.

### **BACKGROUND**

#### **Council Action History**

In 1986, and 1987, the City Council first approved exceptions to the application of Eugene Code 6.200 to permit The Nature Conservancy to conduct controlled ecological burns in the Willow Creek Natural Area. Due to the recurring nature of these requests, in September 1990, the City Council approved a five-year exception for the Willow Creek Natural Area by Ordinance No. 19715. The five-year exception has been re-approved in consecutive five-year periods since: 1995- Ordinance No. 20014, 2001- Ordinance No. 20231, 2006- Ordinance No. 20370, and 2011- Ordinance No. 20476.

#### **Purpose for and application of exception**

The purpose of these controlled burns is to maintain native prairie vegetation and to control invasive vegetation in the native prairie sites. To date, The Nature Conservancy has conducted burns within the area covered by the exceptions in 1986, 1987, 1991, 1994, 1996, 1997, 1998, 1999, 2001, 2005, 2007, 2008, 2009, 2011, and 2015. In addition, controlled burns were conducted on BLM lands within the exception area in 1996, 1998, 2000, 2005, 2009, 2011, 2012, 2013, and 2014 and on City of Eugene land in 2002, 2007, 2008, 2012, 2013, and 2014. The total area burned annually under the latest exception (between 2011 and 2015) ranged from 17 to 206 acres (78 acres on average).

#### **Policy Issues**

The two primary policy areas are (1) maintaining and improving air quality in the Metro Area and

(2) protecting, maintaining and managing wetlands designated for restoration and protection in the West Eugene Wetlands Plan and the associated rare plant and animal species. A key policy issue is the proposed expansion of areas allowed to be burned, and any potential air quality impacts or community perceptions of potential problems from these prescribed burns, contrasted with past City efforts to curtail commercial grass seed field-burning in the southern Willamette Valley. The City lobbied to exempt ecological burns from state regulations curtailing commercial grass seed field-burning for the purposes of improving habitat and providing fire-fighting training opportunities. Both of these goals are met in this ordinance.

### **Other Background Information**

See attached Memorandum dated May 16, 2016; a white paper by Ed Alverson, and journal article.

### **Timing**

The appropriate season for conducting controlled ecological burns in wetland areas is late summer to early fall. Since the previously approved exception to the open burning ordinance expired on December 31, 2015, no ecological burning can be conducted within City limits until this exception is approved. Therefore, staff recommends immediate action on the ordinance, so that it will become effective prior to the upcoming burning season.

### **COUNCIL OPTIONS**

1. Accept public testimony and take action on the item at the June 13, 2016, council meeting.
2. Accept public testimony, direct staff to make modifications to the proposed ordinance, and take action on the revised ordinance at the July 11, 2016, council meeting.

### **CITY MANAGER'S RECOMMENDATION**

The City Manager recommends that the council take action on the proposed ordinance at the June 13, 2016, meeting.

### **SUGGESTED MOTION**

None; this is a public hearing only. Action on the proposed ordinance is scheduled for June 13, 2016.

### **ATTACHMENTS**

- A. Proposed ordinance
- B. Exhibit A: map of potential burn sites within current city limits and outside of city limits but within UGB
- C. Memorandum from Staff, dated May 16, 2016
- D. "Use of Controlled Ecological Burns in Willamette Valley Native Prairies", Ed Alverson, May 2011
- E. Nuckols, J.L., N.T. Rudd, E.R. Alverson, and G.A. Voss. 2011. Comparison of burning and mowing treatments in a remnant Willamette Valley wet Prairie, Oregon, 2001-2007. Northwest Science, Vol. 85 (2): 303-316.
- F. Copy of Eugene Code 6.200 Outdoor Burning

**FOR MORE INFORMATION**

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