Tualatin Valley Fire & Rescue

Office of the Fire Chief

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October 1, 2009

Ms. Margaret Tolan
3410 Riverknoll Way
West Linn, Oregon

Dear Ms. Tolan:

I have reviewed your request of September 28th relating to the solar highway project in West Linn, as well as your follow-up clarification concerning your public records request of September 29th. I have also reviewed your original email to Deputy Fire Marshal (DFM) Karen Mohling of September 9th.

Typically, a public records request is for documents that reside with a government agency. As an example, a request for documented "irrigation requirements," assuming there are any, would be a typical public records request. A request for "information on prevailing winds," as made in your email of September 9th, is more akin to a request to commission work. In either event, for such comprehensive requests, it is customary to advise the requesting party of the estimated staff time and costs necessary to compile the information before gathering it.

I note that only one of three requests – the one concerning plant species - made in your email of September 9th are included in your request of September 28th. Therefore, I assume DFM Ed Bonollo provided a satisfactory response to the other questions during his site visit on September 12th.

While we recognize that this is an important issue for certain members of the community, as well as for the City of West Linn and the Oregon Department of Transportation (ODOT), Tualatin Valley Fire and Rescue's participation, to date, has been a matter of professional courtesy. In fact, the District has no "formal" role in such matters and therefore any input we provide is simply "advisory." Moreover, when we do have "official" standing to engage in such matters, our influence is limited to fire department "access and water supply."

It is because of our limited standing that we are typically reluctant to engage in matters which have such contentious underpinnings. That said, because members of the community as well as representatives of both the City of West Linn and ODOT requested our input, we provided it.

As a matter of course, TVF&R regularly reviews fire potential in areas of wildland/urban interface. In fact, as I believe you are aware, we have adopted a wildland/urban interface ordinance and map to assist property owners in maintaining fire safe communities. We also engage in annual public information campaigns designed to sensitize citizens to the potential for such occurrences in urbanized areas.

Because of the nature of this specialized area of fire protection, we made the decision several years ago to assign the responsibility of conducting wildfire-risk assessments to a single fire prevention professional who could acquire the necessary education and offer efficient and cost effective evaluations. To that end, we chose Deputy Fire Marshal Ed Bonollo, partly because of his passion for the issue and partly because of his 30-plus years of fire service experience, which includes a background in both fire prevention and fire suppression. It is my understanding that DFM Bonollo has been engaged in this discussion, including a site visit and after-hours meetings involving area stakeholders.

With regard to your specific request(s), there seems to contain a presumption that our assessment was substantially more comprehensive and scientific than it was. We are not in possession of a "map of the area that includes the placement of the solar project and the bordering trail." We did not conduct a "survey of all plant species, their type and density, with their designation: prohibited, fire prone, appropriate, native, etc.," and we have no standing to impose a "maintenance plan" or "irrigation requirements."

While we are pleased to provide any and all documents in our possession, to my knowledge the aforementioned elements were not part of our assessment. (*DFM Bonollo is currently on vacation and will not return until October 13th*).

So as not to be taken out of context, I believe it is important to restate the opinions contained in my September 18th letter to ODOT. Specifically, I provided the District's position that "developed property 'typically' represents lower fire risk than an undeveloped property." I also stated that "the solar project and the bordering trail would create fire breaks that currently do not exist on the property" and that "the gravel access road to the site 'could' actually improve our ability to respond to an incident in that area." This is all in the context of a property that currently has limited access and overgrown vegetation.

Because of the nature of this discussion, I allow that you may still have questions or concerns regarding TVF&R's position. I believe I have clarified, however, that certain elements of your request are not within our purview and therefore not available through the fire District. That said, if you believe there are documents in our possession that would be helpful, please submit a modified public records request and I will be pleased to provide a timely estimate of costs associated with gathering the information.

Sincerely,

Michael R. Duyck
Deputy Chief

cc: Chris Jordan, West Linn City Manager
Jim Whitty, ODOT Office of Innovative Partnerships and Alternative Funding
Allison Hamilton, ODOT Solar Project Manager
Lynn Averbeck, ODOT Solar Project Team
Lynn Frank, President Five Stars International, Ltd.