

CHAPTER 9

BOARDS AND COMMISSIONS AND MISCELLANEOUS PLANNING PROVISIONS

FOREST GROVE CODE

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CHAPTER 9

**BOARDS AND COMMISSIONS
AND
MISCELLANEOUS PLANNING PROVISIONS****BOARDS AND COMMISSIONS**

(Ord. 2009-04, 03/09/2009)

PLANNING COMMISSION**9.005****Membership.**

The City Planning Commission shall consist of seven members to be appointed by the Council. No more than one member of the Commission shall be engaged principally in the buying, selling or developing of real estate for profit as an individual, as a member of any partnership, or as an officer or employee of any corporation. No more than two members of the Commission shall be engaged in the same kind of business, trade, occupation or profession. No more than two of the members shall be nonresidents of the City. (Ord. 1995-13, 11/13/1995; Ord. 2000-06, 08/14/2000)

9.010**Terms of Office.**

The term of office shall be four years with the terms staggered. A member may be removed by the Council, after hearing, for misconduct or nonperformance of duty. Vacancies shall be filled by the Council for the unexpired term of the predecessor in the office.

9.015**Officers.**

Each year at the first regularly scheduled meeting in January, which shall be the annual meeting, the Commission shall elect a chairman and vice-chairman who shall be voting members and shall hold office at the pleasure of the Commission.

9.020**Secretary.**

The City Planning Director, or designee, shall serve as secretary to the Commission. The secretary shall keep an accurate record of all Commission proceedings.

9.025**Annual Report.**

The Commission shall, on October 1 of each year, make and file a report of its transactions with the Council.

9.030**Expenses.**

Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses.

9.035**Meetings and Rules.**

A majority of the Commission shall constitute a quorum. The Commission shall meet at least once a month. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of this State and with the City Charter and ordinances. (Ord. 2000-06, 08/14/2000)

9.040**Conflict of Interest.**

A member of a Planning Commission shall not participate in any Commission proceeding or action in which any of the following has a direct or substantial financial interest: the member or member's spouse, brother, sister, child, parent, father-in-law or mother-in-law; any business in which the member is then serving or has served within the previous two years; or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the Commission where the action is being taken.

9.045**Powers and Duties.**

The Planning Commission is advisory to the Council and shall, except as otherwise provided by law:

(1) Prepare and recommend to the Council and consult with other public authorities concerning community development plans for regulation of the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots in order to secure to the City and its inhabitants amenity, sanitation and proper service of all public facilities.

(2) Recommend to the Council concerning the laying out, widening, extending and locating of streets, bikeways, sidewalks, boulevards and parking, the relief of traffic congestion, the betterment of housing and sanitation conditions, and the establishment of zoning and building districts limiting the use of lands and the use, height, area, bulk and construction of structures and buildings within such districts.

(3) Hold hearings and recommend to the Council the boundaries of zoning and building districts and appropriate regulations and restrictions to be enforced in the districts before the Council shall take any action thereon.

(4) Hold hearings and make final determinations pending appeal to the Council authorized or required by the ordinances and regulations of the City adopted to implement regulations and restrictions applicable to any zoning and building district.

(5) Hold hearings and make recommendations to the Council concerning the rules and regulations for subdivision and partitioning of land located within the City limits.

(6) Give consideration to all plans or plats for laying out or vacating, widening, extending and locating streets and to plans for public buildings and make recommendations to the Council accordingly.

(7) The Commission may make studies, hold hearings and prepare reports and recommendations on its own initiative or at the request of the Council. All reports and recommendations made by the Commission to the Council shall be in writing.

9.050**Procedures for Hearing.**

The Council shall by resolution adopt procedures for the conduct of hearings. The procedures shall be applicable to the determination of contested cases and to all requests for permits. As used in this Code, unless the context requires otherwise, the following words and terms as follows:

Contested case. A proceeding in which the legal rights, duties or privileges of specific parties determined under general rules, policies, ordinances or regulations adopted pursuant to State statute relating to zoning and building districts and regulation only after a hearing at which specific parties are entitled to appear and be heard.

Hearing. A quasi-judicial hearing, authorized or required by the ordinances and regulations adopted by the City pursuant to State statute relating to zoning and building districts and regulations.

Permit. Authority or approval of a proposed use of land for which approval is a matter of discretion and is required pursuant to State statute relating to zoning and building districts and regulation. The term includes, but is not limited to, conditional use, special exceptions, variance, special design zone or review and other similar permits.

SUBDIVISION OF LAND

(Repealed in its entirety Ord. 2009-04, 03/09/2009)

HISTORIC LANDMARKS BOARD

(Ord. 2009-04, 03/09/2009)

9.105**Purpose.**

Pursuant to the State of Oregon's enabling legislation (ORS Chapter 197) and in recognition of the public education, economical, environmental and cultural value of the heritage and character of Forest Grove to the welfare of its citizens, the following sections create a comprehensive program to identify, designate and protect the history, culture, archaeology and landscape of Forest Grove.

9.110**Membership.**

The Historic Landmarks Board (HLB) shall be composed of seven members who shall be appointed by the City Council. All members shall have a demonstrated positive interest, competence or knowledge of historic preservation. At least five of the members shall be residents of the City of Forest Grove, and nonresident members shall reside within a reasonable distance of the City. When making appointments to the Board, the Council should consider the applicants' qualifications in the fields of history, architecture, architectural history, and archaeology, as well as in the arts, culture, city planning, landscape architecture, business, real estate, law, government, engineering or construction.

9.115**Terms of Office.**

The term of each member of the HLB shall be four years with terms staggered. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Vacancies shall be filled by the Council for the unexpired term of the predecessor in office.

9.120**Officers.**

At the first meeting in January of each year, the members shall elect a chair, vice-chair and secretary who shall be voting members and hold office at the pleasure of the HLB.

9.125**Expenses.**

Board members shall not receive compensation nor shall incur expenses of any kind unless such expenses or expenditures have first been approved by the City Council.

9.130

Meetings and Rules.

A majority of the members serving on the Board at any time shall constitute a quorum. The Board shall conduct at least one meeting every three months or as needed. The Board shall have the right to adopt such rules of order and procedure as they deem necessary provided that it is consistent with the laws of this State and with the City Charter and ordinance.

9.135

Powers and Duties.

The HLB is authorized to:

- (1) Maintain the Forest Grove Register of Historic and Cultural Landmarks (Historic Register), by:
 - (a) Recommending to the City Council the designation as historic or cultural landmark properties that meet the criteria for designation. All such designated landmarks shall be included in the Historic Register; and
 - (b) Recommending to the City Council the removal of a landmark from the Historic Register.
- (2) Regulate and protect landmarks through the review and approval or disapproval of certain proposed changes in accordance with the criteria for alterations or demolition of landmarks as contained in the Development Code.
- (3) Review proposed activities by the City and other agencies that may seriously affect designated landmarks and advise the Planning Commission and City Council regarding such matters.
- (4) Perform other activities relating to historic and cultural landmark preservation, including but not limited to:
 - (a) Providing public education on the history, scenic and cultural landmarks of Forest Grove;
 - (b) Providing advice to the City Council and other City Boards on preservation of historic and cultural landmarks;
 - (c) Providing technical economic information on preservation of historic and cultural landmarks;
 - (d) Making recommendations to the City Council for historic and cultural landmark preservation programs such as tax incentives to preserve designated landmarks;
 - (e) Securing the views of the public and owners of landmarks regarding the community's cultural, historic, and scenic values;

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- (f) Maintaining criteria for inventory and evaluation to implement the purposes of this Section;
 - (g) Periodically reviewing and making recommendations for updating the Historic Register; and
 - (h) Recommending to the City Council the acceptance of donations of funds and property, including partial interest in property such as facade easements.
- (5) Adopt rules and procedures for the operation of the HLB.

9.140

SOLAR ACCESS

(Repealed in its entirety Ord. 2009-04, 03/09/2009)

HISTORIC OR CULTURAL LANDMARKS

(Ord. 2009-04, 03/09/2009)

9.150**Criteria for Landmark Designation.**

The Historic Landmarks Board (HLB) may recommend to the City Council for designation as a historic or cultural landmark and for inclusion in the Historic Register any structure, archaeological or prehistoric site, or historic site, upon a finding by the Board that the subject property:

- (1) Is associated with events that have made a significant contribution to the history of Forest Grove, Washington County, the State of Oregon, or the nation; or
- (2) Is associated with the lives of persons holding a significant place in the history of Forest Grove, Washington County, the State of Oregon, or the nation; or
- (3) Embodies distinguishing architectural characteristics, in exterior design, of a period, style, method of construction, craftsmanship, or in use of indigenous materials; or
- (4) Is representative of the work of a designer, architect, or master builder who influenced the development and appearance of Forest Grove, the State of Oregon, the Pacific Northwest or the nation; or
- (5) In the case of proposed designation of a site, yields, or may be likely to yield, information in history, prehistory or archaeology.

9.155**Procedure for Landmark Designation.**

- (1) Designation of property as a Historic or Cultural Landmark may be proposed by a property owner or his authorized agent, by the HLB, or by the City Council. An application shall be filed with the Community Development Department, using forms provided by the Director.
- (2) Designation of property as a Historic or Cultural Landmark is classified as a Type IV procedure, and is subject to all of the procedures and timelines outlined in the Development Code. Designation requires public hearings before the following review bodies: (a) Historic Landmarks Board; (b) City Council.
- (3) If the HLB acts to reject a proposed designation, no further action shall be taken unless the applicant files an appeal of the action with the City Council.
- (4) If the Council acts to approve the proposed designation, or to approve the proposal with modifications, it shall adopt an ordinance setting forth the findings of fact on which such approval is based, and order an amendment of the zoning map to label the

designated property with the HL overlay zone. Immediately upon designation of the property as a landmark, the designated landmark (not the entire tax lot) shall be subject to the provisions of this Code.

(5) Individual historic resources listed on the National Register of Historic Places shall automatically receive landmark designation on the date the property is listed. However, a landmark that is removed from the National Register of Historic Places will retain its local landmark designation unless the designation is removed through the procedures listed in this Code.

9.160

Procedure for Removal of a Landmark Designation.

(1) Removal of a designated landmark from the Register may be proposed by a property owner or his authorized agent, by the HLB, or by the City Council. An application shall be filed with the Community Development Department.

(2) Removal of a designated Landmark from the Register is classified as a Type IV procedure, and is subject to all of the notice procedures and timelines outlined in the Development Code. Removal of the HL overlay designation requires two (2) sequential public hearings before the following review bodies:

- (a) Historic Landmarks Board;
- (b) City Council

(3) The HLB shall make its decision on the basis of the criteria contained in Section 9.155 and shall make specific findings of fact as to whether the landmark has lost its historic or cultural value based on these criteria.

(4) If the Board acts to deny a request for removal of a landmark from the Register, no further action shall be taken unless the applicant files an appeal of the Board's action with the City Council.

(5) Within sixty (60) days from the date of the recommendation by the HLB to approve a request to remove a landmark from the Register, the City Council shall conduct a public hearing to consider the request and recommendation of the HLB. Public notice shall be provided in accordance with Type IV procedures. Following the public hearing, the Council shall act to approve the removal of the landmark designation as requested, or to remove some portion of the landmark from the Register, or to deny the request. When removing a landmark designation from the Register, the ordinance shall amend the zoning map to remove the HL overlay zone from the property.

9.165

Annual Notification.

(1) Once each year, between January 1 and April 1, the Director shall mail notice to the owners and occupants on which each Historic Register landmark is located.

(2) The list of owners shall be drawn from the most recent tax roll of the County Assessor. The list of residents shall be drawn from the most recent listings posted in the unified billing accounts of the City. The purpose of the notice shall be to inform or remind the owners and occupants of each landmark listed on the Historic Register that such landmark has been found by the City to be a significant historic or cultural landmark, and that its listing on the Historic Register subjects the property to certain review requirements. The notice shall also include, at a minimum, the following:

(a) A brief explanation of the existence and function of the Forest Grove Register of Historic and Cultural Landmarks.

(b) A statement that particular actions affecting the exterior appearance of landmarks will require prior review and action by the HLB or City staff, as provided in the Code.

(c) A statement that the HLB is available and willing to review on an informal basis any plans that may affect the historic or architectural integrity of the landmark.

(d) A statement that the Community Development Department has access to resource materials and persons to provide guidance in developing plans for work that may affect the historic or architectural integrity of the landmark, and to assist in researching the history of the landmark.

COMMUNITY FORESTRY COMMISSION

(Ord. 2009-04, 03/09/2009)

9.205**Membership.**

The Community Forestry Commission (CFC) shall be composed of seven members who shall be appointed by the City Council. Members shall be selected from a variety of organizations, interest groups, people with expertise in the growing, planting, and maintenance of trees, and the public at large. Three members may reside outside the corporate limits of Forest Grove.

9.210**Terms of Office.**

The term of each member of the CFC shall be three years with the terms staggered. A member may be removed by the City Council, after hearing, for misconduct or nonperformance of duty. Vacancies shall be filled by the Council for the unexpired term of the predecessor in office.

9.215**Officers.**

At the first meeting in January of each year, the members shall elect a chair, vice-chair and secretary who shall be voting members and hold office at the pleasure of the CFC.

9.220**Expenses.**

CFC member shall not receive compensation or shall not incur expenses of any kind unless such expenses or expenditures have first been approved by the City Council.

9.225**Meetings and Rules.**

A majority of the members serving on the CFC at any time shall constitute a quorum. The CFC shall conduct at least one meeting every three months or as needed. The CFC shall have the right to adopt such rules of order and procedure as they deem necessary provided that it is consistent with the laws of this State and with the City Charter and ordinance.

9.230

Powers and Duties.

The CFC is authorized to:

(1) Maintain the Forest Grove Significant Tree Register (Tree Register), by:

(a) Recommending to the City Council the designation of properties with significant trees that meet the criteria for designation. All such designated landmarks shall be included in the Significant Tree Register.

(b) Recommending to the City Council the removal of a tree from the Significant Tree Register, pursuant to Section.

(2) Ensure that significant trees are protected and pruned appropriately through the review and approval or disapproval of major pruning in accordance with the criteria in the Development Code.

(3) Review proposed activities by the City and other agencies that may seriously affect register trees and advise the Director, the Planning Commission and City Council regarding such matters.

(4) Perform other activities relating to community trees, including but not limited to:

(a) Providing public education on the history and importance of the Register Trees;

(b) Providing advice to the City Council and other City Boards on protection of trees in the community;

(c) Providing technical information of community tree issues;

(d) Making recommendations to the City Council for community forestry related programs;

(e) Maintaining criteria for inventory and evaluation to implement the purposes of this Section;

(f) Periodically reviewing and making recommendations for updating the Significant Tree Register; and

(g) Recommending to the City Council the acceptance of grant funds and donations towards the protection and planting of trees in the community.

(5) Adopt rules and procedures for the operation of the CFC.

REGISTER TREES

(Ord. 2009-04, 03/09/2009)

9.305**Procedure for Designation of Register Trees.**

(1) Inventory. An inventory shall be conducted of significant trees (including groves) which could qualify for being placed in the Register. Criteria are as follows:

(a) Tree Criteria. An individual tree shall be considered significant if the Community Forestry Commission (CFC) finds:

1. The tree has a distinctive size, shape or location which warrants a significant status; or
2. The tree has a special botanical significance as a specimen in the Forest Grove area; or
3. The tree possesses exceptional beauty which warrants a significant status; or
4. The tree is significant due to a functional or aesthetic relationship to a natural resource; or
5. Along with one of the above, the tree is significant based upon its association with historic figures, properties, or the general growth and development of the City.

(b) Grove Criteria. A tree grove shall be considered significant if the CFC finds:

1. The grove is relatively mature and evenly aged;
2. The grove has a purity of species composition, is of a rare or unusual nature, or is an exceptional example of a type of forest such as riparian or woodland;
3. The grove is in a healthy growing condition;
4. The grove has a crucial functional and/or aesthetic relationship to a natural resource; or
5. The grove has a historic significance based upon its association with historic figures, properties or the general growth and development of the City.

(2) Update of Tree Inventory. Provisions shall be made for periodic updates of the tree inventory and possible Register as required by changes in the number and condition of significant trees.

(3) Preparation of Potential Register Tree List. The CFC shall review the Inventory and other pertinent information and draw up a proposed list of significant trees and groves of trees that the CFC believes meets the criteria to be placed on the Register.

(4) Notification. Prior to the public hearings specified in Step (5) below, each property owner of the tree or trees under consideration for Register status shall be notified by mail. The notice shall inform tree owners that they can request in writing that the tree(s) on their property not be considered for Register status. Attached to the recommendation to Council shall be a list of current property owners who have requested their tree(s) not be placed on the Register. The notice shall also include, at a minimum the following:

- (a) A brief explanation of the existence and function of the Forest Grove Register of Significant Trees.
- (b) A statement that particular actions affecting the tree or grove will require prior review and action by the CFC or City staff, as provided in the Development Code.
- (c) A statement that the CFC is available and willing to review on an informal basis any plans that may be prepared for work which might affect the tree or grove.
- (d) A statement that the City can provide resource materials and guidance in developing plans for work which may affect the tree or grove.

(5) Public Hearings. The designation and updating of the Register Tree List is classified as a Type IV procedure and is subject to all of the procedures and timelines outlined in Section 10.1.170 of this Code. Designation requires public hearing before the following review bodies:

- (a) Community Forestry Commission;
- (b) City Council.

9.310

Removal of Register Tree Designation.

(1) Removal of a designated tree from the Register may be proposed by a property owner or his authorized agent, by the CFC, or by the City Council. In proposing removal, an application shall be prepared and filed with the City, using prescribed forms. Notice of the public hearing shall be given as prescribed in the Development Code, Section 10.1.610 and 10.1.620 for a Type III review.

(2) The CFC shall consider and act on the request. The CFC shall act to recommend approval of the request as submitted, approve the request with modifications, or delay the request.

(a) The CFC shall make its decision on the basis of the criteria contained in Section 9.305 and shall make specific findings of fact as to whether the tree has lost its significant value based on these criteria.

(b) The CFC has one of two options as follows:

1. The CFC can stay the request for removal from the Register by making specific findings of fact as to why the tree should be retained on the Register, and request review by the City Council. Council review shall meet the notice and public hearing requirements of Section 10.1.715 for quasi-judicial hearings. The City Council can approve the request, approve with conditions, or deny the request. OR

2. The CFC can require a delay of up to one (1) year to explore methods and options of retaining the tree on the Register in its present location, or having the tree moved at a cost to the applicant of less than \$300. If at the end of one (1) year the tree has not been moved or protective arrangements completed, the owner may remove the tree from the register. Under an appeal of the delay requirement, the City Council has the option of denying a request for removal from the Register.

9.315

Annual Notification of Register Tree Owners.

(1) Once each year, between January 1 and April 1, the City shall mail a notice to the owners and occupants of the property on which each Register Tree is located.

(2) The list of owners shall be drawn from the most recent tax roll of the county Assessor. The list of occupants shall be drawn from the most recent listings posted in the unified billing accounts of the City.

(3) The purpose of the notice shall be to inform or to remind the owners and occupants of the property that such tree or grove has been found by the City to be a significant tree or grove, and that its listing on the Register subjects the tree or grove to certain review requirements.

9.325

NEWSPAPER RECEPTACLES

(Repealed in its entirety Ord. 2009-13, 11/23/2009)

STREET TREES

(Ord. 2009-04, 03/09/2009)

9.400**Enforcement Authority.**

The City Manager or designee shall be charged with the enforcement of Code Section 9.400 et al.

9.405**Permission to Plant Trees.**

No trees or shrubs shall be planted in or removed from any public parking strip or other public place in the City without prior permission from the City Manager or designee.

9.410**Street Tree Plan.**

All trees and shrubs planted in any public parking strip or other public place in the City shall conform as to species and location to the street tree plan and regulations which may be promulgated by resolution of the Council.

9.415**Prohibited Trees.**

It shall be unlawful to plant in any public parking strip, public alley or easement the following trees: poplar, willow, cottonwood, fruit trees, nut trees, ailanthus. Selected conifers may be planted in a public parking strip, public alley or easement only with the written approval of the City Manager or designee. It shall be unlawful to plant willows, cottonwoods or poplar trees anywhere in the City unless the City Manager approves the site as one where the tree roots will not interfere with a public sewer.

9.420**Removal of Trees.**

The City Manager or designee may cause to be trimmed, pruned or removed any trees, shrubs, plants or vegetation in any parking strip or other public place or may require any property owner to trim, prune or remove any trees, shrubs or vegetation in a parking strip abutting the owner's property. Failure to comply with the request after 30 days' notice by the City Manager shall be deemed a violation.

9.425 Dangerous Trees a Nuisance; Summary Powers to Remove Dangerous Trees.

(1) Any tree or shrub growing in a parking strip, any public place, or in private property, which is endangering or may endanger the security or usefulness of any public street, sewer, utility service or sidewalk is hereby declared to be a public nuisance. The City may remove or trim such tree, or may require the property owner to remove or trim the tree or shrub on private property, or in a parking strip abutting the owner's property.

(2) It shall be the duty of every property owner to cut off and remove all branches and limbs of trees which extend over or upon any street or sidewalk adjacent to the owner's property for a distance of at least eight feet above the street or sidewalk. (Ord. 2003-07, 04/28/2003)

(3) Failure of the property owner to remove or trim any tree or shrub which constitutes a nuisance or exceeds the limitations specified in this Code, after 30 days' notice by the Manager, shall be deemed a violation. The City may then remove or trim the tree or shrub and assess the costs against the property. (Ord. 2003-07, 04/28/2003)

9.430 Appeals.

Appeals from orders made under this Code may be made by filing written notice of appeal with the City Manager within 10 days after the order is received. The City Manager shall notify the Council of the appeal at the next regular Council meeting, at which meeting the appellant and the City Manager may present evidence. Action taken by the Council after the hearing shall be conclusive.

9.435 Abuse or Mutilation of Trees.

It shall be unlawful to abuse, destroy or mutilate any tree, shrub or plant in a public parking strip or any other public place or to attach or place any rope, wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public place, or to cause or permit any wire charged with electricity to come in contact with any tree, or to allow any gaseous, liquid or solid substance which is harmful to a tree to come in contact with its roots or leaves.

9.440 Permit Required.

A tree permit shall be obtained prior to any modification or removal of trees subject to City tree protection requirements. Ord. 2003-07, 04/28/2003)

HOUSE NUMBERING

(Ord. 2009-04, 03/09/2009)

9. 505**Definitions.**

As used in Code Sections 9.505 to 9.520, the following word and term mean as follows:

Street. Any public thoroughfare, either part of the original town of Forest Grove, or platted and so designated in a subdivision, or conveyed to the public or to the City for use as a public thoroughfare.

9.510**Street Names.**

(1) The names of the streets and thoroughfares of the City shall be known on and after January 1, 1950, as those set out and described upon the map designated as the street name map of the City and made a part of this Code by reference. The map shall be kept in the City Engineer's office.

(2) The street in the Sills Addition to the City, officially platted and designated as Camino Real, is renamed Camino Drive and shall be officially named and designated and for all purposes known as Camino Drive.

9. 515**Street Numbers.**

The numbers for buildings and structures abutting upon the streets of the City shall be assigned, designated and used on and after January 1, 1950, in the manner indicated and described upon the street name map, according to the following system:

(1) On Pacific Avenue, and all avenues and thoroughfares parallel with Pacific Avenue, the numbers east of Main Street shall commence with 1900 and increase in an easterly direction with even numbers on the south side of the street and odd numbers on the north side;

(2) On Pacific Avenue, and all avenues and thoroughfares parallel with Pacific Avenue, the numbers west of Main Street shall commence with 1900 and decrease in a westerly direction with even numbers on the south side of the street and odd number on the north side;

(3) On Main Street, and all streets and thoroughfares parallel with Main Street, the numbers north of Pacific Avenue shall commence with the number 2000 and increase in a northerly direction with even numbers on the west side of the street and odd numbers on the east side;

(4) On Main Street, and all streets and thoroughfares parallel with Main Street, the numbers south of Pacific Avenue shall commence with the number 1900 and decrease in a southerly direction with even numbers on the west side of the street and odd numbers on the east side.

(5) Wherever practicable, building and structure numbers shall be assigned at a frequency of each 20 feet.

(6) The plan of numbering is to be applied and extended throughout the present corporate limits of the City and into contiguous territory as may from time to time be annexed to the City.

9.520**House Numbers; Location and Type.**

House numbers shall be affixed in a conspicuous location which is clearly visible from the fronting street. Numbers shall be of contrasting color to the surface upon which they are affixed. They may be painted or metallic, plastic, wooden or ceramic fixtures, or other material that will not rust or corrode. For structures that are given street addresses subsequent to the effective date of this ordinance, numbers shall be at least four inches high. (Ord. 1997-14, 09/08/1997)

9.600**ZONING**

(Repealed in its entirety per Ord. 2009-04, 03/09/2009)

PARKWAY

(Ord. 2009-04, 03/09/2009)

9.605**Parkway.**

Upon all residence streets and avenues the City shall reserve street widths as allowed by the land division ordinance for ordinary travel by the public. The remainder of the street or avenue, except that used for walks, shall be used as a parkway. The parties owning the abutting property shall have the right to enter upon and cultivate the parkway by planting grass, flowers, shrubs, or trees.

9.610**Abutting Owners Duty.**

It shall be the duty of the abutting property owners to keep the parkway in good condition; to trim and care for any trees and shrubs; to care for the flowers or grass; and to maintain the parkway in a sightly condition.

9.615**Flowers and Fruits.**

All flowers or fruit grown or produced on the parkway shall belong to and be at the disposal of the property owner who plants and cares for the plants.

9.620**Prohibitions.**

- (1) No person shall cut, remove or deface any tree in the parkway without first obtaining the consent of the City Manager or designee.
- (2) No person shall ride or drive or park any vehicle, trailer, camper or motor home upon a curbed parkway. (Ord. 1997-14, 09/08/1997; Ord. 2013-13, 01/13/2014)

9.625**Entry.**

The City may enter at any time upon the parkway and do necessary work upon water pipes, sewers, drainage, wiring, poles, etc. and may condemn the parkway when it deems necessary to properly conduct the business of the City.

COMPREHENSIVE PLAN

9.700 **Comprehensive Plan Adoption.**

(1) The following portions of the Forest Grove Comprehensive Plan, being necessary for the effective implementation of the Plan, and accurate interpretation of the goals and policies, bearing the date January 2014 (Ord. 1980-14, 09/08/1980; 2009-04, 03/09/2009; 2014-01 01/27/2014), and by reference incorporated herein, are hereby adopted:

- Chapter 1 - Background
- Chapter 2 - Citizen Involvement
- Chapter 3 - Land Use
- Chapter 4 - Housing
- Chapter 5 - Economy
- Chapter 6 - Community Sustainability
- Chapter 7 - Public Facilities and Community Services
- Chapter 8 - Transportation
- Chapter 9 - Schools and Education
- Chapter 10 - Natural Resources and Natural Hazards

The Comprehensive Plan Map

(2) The complete text of the Comprehensive Plan, as amended, and the Comprehensive Plan Map are on file in the office of the City Recorder.

9.800

FOREST GROVE CODE

9.808

9.800 – 9.808

**COMPENSATION UNDER ARTICLE 1, SECTION 18, OF THE
CONSTITUTION OF OREGON (BALLOT MEASURE 7,
PASSED NOVEMBER 7, 2000)**

(Ord. 2000-12, 11/28/2000; Ord. 2000-48, 11/27/2000)
(Repealed in its entirety Ord. 2003-05, 01/13/2003)

EROSION CONTROL STANDARDS

(Ord. 2009-04, 03/09/2009)

9.805**Definitions.**

As used in Code Section 9.810 the following words and terms mean as follows:

Land Development. Refers to any human-induced change to improved or unimproved real estate, including but not limited to construction, installation or expansion of a building or other structure, land division, drilling, site alteration such as that due to land surface mining, dredging, grading, construction of earthen berms, paving, improvements for use as parking or storage, excavation or clearing.

Erosion Control Plan. Shall be a plan containing a list of best management practices to be applied during construction to control and limit soil erosion.

Public Works Project. Any land development conducted or financed by a local, state, or federal governmental body.

9.810**Erosion Control Plan.**

The following subsections shall apply to any new land development within the City, except those developments with application dates prior to January 1, 1990. The application date shall be the date on which a complete application for development approval is received by the City in accordance with the regulations of the City.

1) For land development, no preliminary plat, site plan, permit or public works project shall be approved by the City unless the conditions of the plat permit or plan approval includes an Erosion Control Plan containing methods and/or interim facilities to be constructed or used concurrently with land development and to be operated during construction to control the discharge of sediment in the stormwater runoff.

The Erosion Control Plan shall utilize:

(a) Protection techniques to control soil erosion and sediment transport to less than one ton per acre per year as calculated using the soil conservation service universal soil loss equation or other equivalent methods. The Erosion Control Plan shall include temporary sedimentation basins when, because of steep slopes or other sites specific considerations, other on-site sediment control methods will not likely keep the sediment transport to less than one ton per acre per year. The City may establish additional requirements for meeting an equivalent degree of control. Any sediment basins constructed shall be sized using 1.5 feet minimum sediment storage depths plus 2.0 feet storage depth above for a settlement zone. The storage capacity of the basin shall be sized to store all of the sediment that is likely to be transported and collected during construction while the erosion potential exists. When the erosion potential has been removed, the sediment basin, or other sediment facilities, can be removed and the site restored as per the final site plan. All sediment basins shall be constructed with an emergency overflow to prevent erosion or failure of the containment dike, or

(b) A soil erosion matrix derived from and consistent with the universal soil loss equation approved by the City.