



<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>7.</u>
MEETING DATE:	<u>06/10/2019</u>
FINAL ACTION:	<u>First Reading: ORD 2019-06</u>

**CITY COUNCIL STAFF REPORT**

**FIRST READING:**

**TO:** *City Council*

**FROM:** *Jesse VanderZanden, City Manager*

**MEETING DATE:** *June 10, 2019*

**PROJECT TEAM:** *James Reitz, AICP, Senior Planner  
Bryan Pohl, Community Development Director*

**SUBJECT TITLE:** *Public Hearing and First Ordinance Reading to Amend the City Code*

**ACTION REQUESTED:**

<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input checked="" type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
-------------------------------------	-----------	--------------------------	-------	--------------------------	------------	-------------------------------------	--------	--------------------------	---------------

  
*X all that apply*

**ISSUE STATEMENT:** During the current Development Code update process, staff noted two related issues: that the domesticated fowl regulations are less about the use of land and more about nuisances; and that the City’s regulations pertaining to Measure 37 implementation are no longer necessary since that measure was repealed. The proposed ordinance would re-locate the domesticated fowl regulations to Forest Grove Code (FGC) Chapter 93 *Animals*, and repeal the Measure 37 code (located in FGC Chapter 33).

**BACKGROUND:** Measure 37 was adopted in 2004 and replaced in 2007 with Measure 49. Therefore, the City’s code implementing Measure 37 is no longer necessary and should be repealed. The proposed ordinance would repeal Chapter 33 in its entirety. Because Chapter 33 is not part of the Development Code, the Planning Commission did not review the proposal to delete this chapter from the Forest Grove Code.

The Development Code was adopted in 2009 and was amended that same year to include the domesticated fowl regulations. However, the City has other code (Chapter 93) pertaining to *Animals*. Chapter 93 presently includes Washington County Code Chapter 6.04 *Animal Services Code*, and limits on dog ownership. Moving the domesticated fowl regulations from the Development Code to Chapter 93 would place the City’s animal-related codes all together into a single chapter. The Planning Commission concurred, and also recommended one small revision: at present, the code regulates the number of fowl allowed that are 6 months of age and older. Chair Beck noted that chickens raised for meat mature at about 3 months; as such, the code at present would allow an unlimited number of fowl raised for meat since they would be harvested prior to the 6-month threshold. To address this potential issue, the Planning Commission recommended reducing the age threshold to 3 months.

Housekeeping:

- §93.01 through §93.04, abatement procedures set forth in § [91.050](#) through § [91.054](#) and Penalty, § [91.999](#) language was added so it is consistent with other nuisances in the Code.
- Amending Code §90.25, so language is consistent with Development Code §17.5.120(A)(5)(a).

**FISCAL IMPACT:** Adoption of the ordinance will have no fiscal impact on the City.

**STAFF RECOMMENDATION:** Staff recommends adoption of the ordinance to amend the Forest Grove Code as described above.

**ATTACHMENT(S):** Ordinance to Amend Forest Grove Code Chapters 33 and 93.



*A place where families and businesses thrive.*

---

## **NOTICE OF PUBLIC HEARING FOREST GROVE CITY COUNCIL**

**NOTICE IS HEREBY GIVEN** that the Forest Grove City Council will hold a Public Hearing **Monday, June 10, 2019, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, to review the following:

---

**PROPOSAL:** Repeal Forest Grove Code Chapter 33 *Regulatory Measure 37 Claims Procedure*, and amend Code Chapter 93 *Animals* to incorporate text regulating domestic fowl that was previously enacted as part of the Development Code.

---

The hearing is open to the public and interested parties are encouraged to attend. A copy of the staff report and proposed ordinance is available before the hearing at the City Recorder's Office or by visiting the City's website at [www.forestgrove-or.gov](http://www.forestgrove-or.gov). Written comments or testimony may be submitted at the hearing, emailed to [aruggles@forestgrove-or.gov](mailto:aruggles@forestgrove-or.gov), or sent to the attention of the City Recorder's Office, P. O. Box 326, 1924 Council Street, Forest Grove, OR 97116. For further information, please contact the City Recorder's Office, 503.992.3235.

###

Anna D. Ruggles, CMC, City Recorder  
City of Forest Grove

***FG NewsTimes***  
***06/05/2019***

This page is intentionally blank.

**ORDINANCE NO. 2019-06**

**ORDINANCE REPEALING ORDINANCE NO. 2004-08, CHAPTER 33 (REGULATORY MEASURE 37 CLAIMS PROCEDURE) IN ITS ENTIRETY AND ADOPTING FOREST GROVE CODE OF ORDINANCES, TITLE IX (GENERAL REGULATIONS), CHAPTER 93 (§93.01 THROUGH §93.04), DOMESTICATED FOWL; AND AMENDING FOREST GROVE CODE §90.25 (B); FILE NO. 311-19-000002-PLNG**

**WHEREAS**, Oregon Ballot Measure 37 was passed in 2004; and

**WHEREAS**, Ordinance No. 2004-08 was adopted to implement Measure 37 and was incorporated into Forest Grove Code (FGC) Chapter 33; and

**WHEREAS**, Measure 49 was passed in 2007 which overturned and modified many of the provisions of Measure 37, thus rendering FGC Chapter 33 moot; and

**WHEREAS**, the Development Code was amended in 2009 to adopt regulations allowing domesticated fowl; and

**WHEREAS**, the purpose of the Development Code is to govern the development and use of land; and

**WHEREAS**, the domesticated fowl regulations would be more appropriately located in Forest Grove Code Chapter 93 *Animals*; and

**WHEREAS**, the City Council held a duly-noticed Public Hearing on the proposed ordinance on June 10, 2019, and continued the hearing on June 24, 2019.

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

**Section 1:** The City Council of the City of Forest Grove hereby repeals Ordinance No. 2004-08, Chapter 33 (Regulatory Measure 37 Claims Procedure) in its entirety.

**Section 2:** The City Council of the City of Forest Grove hereby amends Forest Grove Code of Ordinances adopting Title IX (General Regulations), Chapter 93 (§93.01 through §93.04), titled Domesticated Fowl, as set forth below (new text is underlined):

**CHAPTER 93: ANIMALS**

**SECTION 93.03 DOMESTICATED FOWL**

- (A) As used in this section, "allowed" **DOMESTICATED FOWL** means chickens, ducks, pheasants and quails three (3) months of age or older.
- (B) Fowl shall be permitted in single-family residential zoning districts only and in compliance with the following regulations and limitations and all other applicable provisions of this Code.
- (C) Any keeping of fowl shall be for personal use, and any related commercial production is prohibited.

- (D) Roosters are prohibited.
- (E) Up to four (4) adult fowl shall be allowed on any lot with a minimum area of 5,000 square feet. One (1) additional adult fowl is allowed for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
- (F) The owner or person in charge of real property shall not allow animal waste to accumulate.
- (G) All animal food shall be stored in metal or other rodent-proof containers.
- (H) Fencing shall be designed and constructed to confine all allowed fowl to the owner's property at all times.
- (I) Structures that house fowl shall be located at least 20 feet from all abutting residences.
- (J) Structures that house fowl shall be located at least five (5) feet from any side or rear property line.
- (K) Any violation of this section shall be declared public nuisances and may be abated by the procedures set forth in § [91.050](#) through § [91.054](#).
- (L) Violation of this section constitutes a violation. Penalty, see § [91.999](#) (Prior Code, § 17.3.320[14] and § 17.12.210[D9])

**Section 3:** The City Council hereby amends Forest Grove Code of Ordinances Title IX (General Regulations), Chapter 90, Code §[90.25](#), as set forth below (strikethrough is deleted and new text is underlined):

90.25 (B) 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 (8) feet above ~~the street or sidewalks~~, 13 feet above local streets, and 15 feet above collector and arterial street roadway surfaces.

**Section 4:** This ordinance is immediately effective upon enactment by the City Council.

**PRESENTED AND PASSED** the first reading this 10<sup>th</sup> day of June, 2019.

**PASSED** the second reading this 24<sup>th</sup> day of June, 2019.

---

Anna D. Ruggles, City Recorder

**APPROVED** by the Mayor this 24<sup>th</sup> day of June, 2019.

---

Peter B. Truax, Mayor