



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 09/26/2014
Jurisdiction: City of Hubbard
Local file no.: LA 2014-01
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/23/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-14 {22279}
Received: 9/23/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Hubbard

Local file no.: **LA 2014-01**

Date of adoption: August 12, 2014

Date sent: 9/23/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): May 14, 2014

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Yes: Sandwich board sign size changed from 3' to 4' high. "Sign Sharkers" (humans holding signs) added as an allowed type of sign.

Local contact (name and title): Jim Jacks, City Planner

Phone: 503 540-1619

E-mail: jjacks@mwvcog.org

Street address: 100 High St. SE, Suite 200

City: Salem, OR

Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

- Development Code Sec. 1.200, Definitions related to signs and caretaker residences.
- Sec. 2.206, Signs.
- Sec. 2.303, Home Occupations (HO). Streamline review process.
- Sec. 3.101, Summary of Application Types and Review to streamline HO process.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: ODOT for signs on 99E.

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE 340-2014

AN ORDINANCE AMENDING THE HUBBARD DEVELOPMENT CODE AND DECLARING AN EMERGENCY

WHEREAS, the City of Hubbard deemed it necessary to amend the Hubbard Development Code; and

WHEREAS, on June 17, 2014, the Planning Commission held a public hearing at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, on July 8, 2014, the City Council held a public hearing at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, notice of the said public hearing was duly given to the public;

NOW THEREFORE THE CITY OF HUBBARD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Hubbard does hereby amend the Hubbard Development Code as set forth in Exhibit "A".

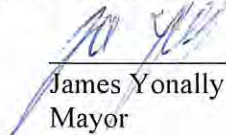
Section 2. The City Council for the City of Hubbard deems and desires it necessary for the preservation of the health, peace and safety of the City of Hubbard that this Ordinance takes effect at once, and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

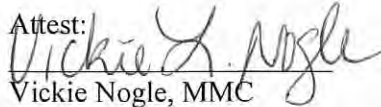
PASSED and adopted by the City Council of the City of Hubbard on this 12th day of August 2014, by the following votes:

AYES: 3

NAYS: 0

Approved by the Mayor on this 12 day of AUGUST, 2014.


James Yonally
Mayor

Attest: 
Vickie Nogle, MMC
Director of Administration/City Recorder

Approved by the City Attorney:



City Attorney

EXHIBIT A

Proposed Amendments to the Hubbard Development Code

Bold and underlined text = proposed additions to the City of Hubbard Development Code.

~~Strike-through text~~ = proposed deletions to the City of Hubbard Development Code.

1.200 DEFINITIONS

Caretaker residence: A residence occupied by an employee, who must be on the property in conjunction with a principal use for a substantial portion of each day for security purposes or for the vital care of people, equipment or other conditions of the site.

Sign: An identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business, and which may be illuminated directly or indirectly.

- A. **Electronic Display Sign: A sign including or comprised solely or partially of an electronic display that can be changed by automatic means, including but not limited to, the operation of computer software and is internally illuminated.**
- B. **Electronic Display: A display created by light emitting diodes, liquid crystal displays, plasma display panels, pixel or sub-pixel technology, or other similar technology. Electronic displays include, but are not limited to:**
 - 1. **Dissolve: the changing of an electronic display by means of varying light intensity or pattern, where one display gradually appears to dissipate or lose legibility simultaneously with the gradual appearance and legibility of a subsequent display.**
 - 2. **Fade: the changing of an electronic display by means of varying light intensity, where one display gradually reduces intensity to the point of being illegible or imperceptible and the subsequent display gradually increases intensity to the point of being legible or capable of being perceived.**
 - 3. **Scrolling: the changing of an electronic display by the apparent vertical movement of the visual image, such that a new visual image appears to ascend and descend, or appear and disappear from the margins of the sign in a continuous or unfurling movement.**

4. Static display: an electronic display that does not change.

5. Travel: the changing of an electronic display by the apparent horizontal movement of the visual image.

6. Video display: providing an electronic display in horizontal or vertical formats to create continuously moving images.

C. Sandwich Board or A-Frame Sign: A type of portable sign constructed of two (2) equal or roughly equal portions, hinged at the top so that when placed on the ground the sign is self-supporting. Sandwich board signs typically form the shape of the letter "A" when opened and resting on the ground.

2.206 SIGNS

2.206.01 Purpose

The provisions of this Section are intended to provide for the necessary means of identification while maintaining a safe and pleasing environment for the people of the City of Hubbard.

2.206.02 General Provisions

- A. Conflicting Standards. Signs shall be allowed subject to the provisions of this Section, except when these provisions conflict with the specific standards for signs in the subject district.
- B. Uniform Sign Code. All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code, except as otherwise provided in this section.
- C. Address Display. The property identification program for residential, multifamily, commercial, institutional, or industrial development shall include the display of address numbers on a wall near the front entrance and facing the street of address. Residential numbering shall be a minimum of four (4) inches in height and minimum of six (6) inches is required for all other uses.
- D. Sign Clearances. A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under free-standing signs.
- E. Setbacks. All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions. Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.

- F. Blanketing. No sign shall be situated in a manner which results in the blanketing of an existing sign.
- G. Illuminated Signs:
1. Internally illuminated signs, or lights used to indirectly illuminate signs shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
 2. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as provided by the Oregon Electric Sign Association.
 3. No sign or other illuminating device shall **create a hazard to the public.** ~~have blinking, flashing or fluttering lights, with the exception of a time and temperature sign approved by the Planning Commission when the properties abut Highway 99E.~~
 4. No colored lights shall be used at any location or in any manner which may be confused with or construed to be traffic signals or lights on emergency vehicles.
- H. Moving Signs. No sign, sign structure, or portion thereof, shall be designed to rotate, flutter or appear to move, **except barber shop poles and clocks. This provision does not apply to human directional signs.**
- I. Maintenance. All signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.
- J. Pre-Existing Signs. Signs and sign structures existing prior to the adoption of this Ordinance which complied with applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this subsection, shall be subject to the provisions of Section ~~3.109~~ **3.110** for Nonconforming Uses, except:
1. Alterations to a non-conforming sign which reduces, or does not increase its non-compliance with the provisions of this Ordinance, including changes in display surface, sign area, height and setback, may be allowed.
 2. Businesses no longer operating at a site shall replace or remove signage within one (1) month of abandoning or relocating the business. Failure to use a non-conforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall constitute a discontinuation of use as

provided under Section ~~3.109~~ **3.110** and such sign shall be removed or modified to satisfy all applicable requirements of Section 2.206 and the underlying district.

K. Oregon Motorist Information Act Requirements. The Oregon Motorist Information Act (OMIA) provides the Oregon Department of Transportation purview over the approval of any signage which is “visible” to a State highway running through a community. In addition to being subject to provisions of this chapter, all such signs are subject to requirements identified in Oregon Revised Statutes (ORS) ORS 377.700 – 377.840 and ORS 377.992.

2.206.03 Prohibited signs.

For properties abutting Highway 99E, no sign, sign structure, or portion thereof shall be a sandwich board of an A-frame in style or design, except for special events as approved by the City Council. The signs are allowed for a total of ten days within one calendar year.

A. In no case shall a private sign, sign structure or portion thereof be located within the Pacific Highway 99E road right-of-way.

B. A private sign, sign structure or portion thereof shall not be placed within a public right-of-way under the jurisdiction of the City of Hubbard, except under the following conditions:

1. **A private sign may be located under a canopy that projects over a public sidewalk where the sign is not less than eight (8) feet above the sidewalk.**
2. **A sandwich board sign that complies with Section 2.206.07(H).**

2.206.04 Residential

A. Residential Name Plates:

1. shall not exceed two (2) square feet;
2. shall be limited only to the title, name and address of the occupant of the premises upon which the sign is located;
3. shall be limited to one (1) such sign upon the premises; and
4. may be illuminated by indirect lighting only.

B. Signs pertaining to home occupations, as provided under Section 2.303 of this Ordinance:

1. shall not exceed two (2) square feet;

2. shall be located inside the dwelling or located flat against the dwelling within which the home occupation is conducted;
3. shall be limited to one (1) such sign upon the premises; and
4. may be illuminated by indirect lighting only.

C. Signs identifying multifamily developments or subdivisions:

1. Free-standing and ground-mounted signs shall not exceed twenty-four (24) square feet, as viewed from a single direction, and shall not exceed a height of five (5) feet above the natural ground elevation.
2. On-building signs shall be reviewed as part of the architecture of the building.
3. No more than one free-standing or ground-mounted identification sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development; however, in mixed use developments a separate free-standing sign may be allowed to identify the multifamily portion of the development.
4. At least one complex sign shall be approved by appropriate emergency services and public safety agencies.
5. Directional signs within the development shall not exceed three (3) square feet, except as provided in the district.
6. Artificially illuminated signs may be allowed subject to Subsection 2.206.02 (HG).

D. Signs for public and semi-public facilities, schools, churches, hospitals and similar uses:

1. shall not exceed eighteen (18) square feet;
2. shall pertain only to the use on the premises;
3. may be illuminated by indirect lighting only; and
4. shall be limited to one (1) such sign upon the premises.

2.206.05 Allocation Provisions and Sign Standards for Commercial and Industrial Developments

- A. The following provisions and design standards specify how a property's total sign allocation may be utilized. Unless specified elsewhere in these regulations, total sign allocation shall be determined by multiplying the length of the property's primary frontage (feet) by the primary frontage multiple. The maximum sign area refers to the size of any one sign.

Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height
Attached	1½ sq. feet	100 sq. feet	20 feet
Free-standing	1½ sq. feet	100 sq. feet	20 feet
Temporary	1½ sq. feet	5 sq. feet	6 feet

- B. Sign allocation for a given frontage may be apportioned to attached signs and free-standing and temporary signs. That portion of the sign allocation utilized by a business or tenant for attached signage on a given frontage shall be utilized in not more than two (2) signs. If the property frontage allocation for attached signs exceeds the maximum sign area size of the district, additional allocation may be utilized in one additional sign, provided that an 8-ft separation is maintained between signs.
- C. Sign area allocation calculated for a primary frontage may be utilized for an attached sign(s) that faces a secondary frontage, limited to one sign per each frontage. The amount of allocation used for secondary frontage signs shall be subtracted from and shall not exceed the total sign allocation for the property.
- D. Free-standing or ground-mounted signs oriented to off-site circulation identifying the uses on the premises shall be allowed subject to the following conditions:
1. Maximum height: Twenty (20) feet
 2. Maximum sign area: 100 square feet as viewed from one direction.
 3. Minimum separation between free-standing signs shall be 50 feet.
 4. Setbacks: For all developments where one freestanding sign is used, signs less than twenty-eight (28) square feet in size must observe at least one-half of the yard setback requirements of the district in which it is located. Signs larger than twenty-eight (28) square feet in size must observe the setback requirements of the district in which it is located. For all developments where more than one (1) freestanding sign is used, all freestanding signs shall observe a minimum setback of 25 feet from all side lot lines.

5. Sign structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design, and shall be proportional with the sign. The sign support structure, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area unless the numbers and structure are more than double the square footage of the sign face.
6. Illumination: Such signs may be internally or indirectly illuminated, subject to Subsection 2.206.02(HG).
7. Clear Vision Areas: Freestanding signs located near service drives for commercial parking areas shall comply with the vision clearance requirements of Section 2.203.07(I).

E. Attached signs shall be allowed, subject to the following conditions:

1. Two (2) such signs shall be allowed for each business under separate ownership. If property frontage allocation for attached signs exceeds the maximum sign area size of the district, additional allocation may be utilized in (an) additional sign(s), provided that an 8-ft separation is maintained between signs.

For properties with more than one frontage, the sign area allocation calculated for a primary frontage may be utilized for an attached sign(s) that faces a secondary frontage, limited to one sign per each frontage. The amount of allocation used for secondary frontage signs shall be subtracted from and shall not exceed the total sign allocation for the property.

2. Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from or change the architectural character of the building.

F. ~~Changeable copy~~ **Electronic display** signs may be incorporated into a permanent identification sign for a business or development, subject to review and approval of the Planning Commission. Approval shall not be granted unless the following conditions are satisfied:

1. Only one such sign shall be used in a development.
2. The ~~changeable copy~~ **electronic display** sign shall be included in the maximum sign area allowed under Subsections 2.206.05(A)(3) or 2.206.05(B)(4).
3. The sign shall be integrated into the design of the identification sign, and shall satisfy the design standards under Section 2.206.03.

4. ~~A changeable copy sign shall not be used on a sign which includes a time and/or temperature display.~~

2.206.06 On-Site Traffic Control and Identification Signs

- A. On-site traffic control and identification signs shall be those permanent signs which are oriented toward internal circulation roads, driveway and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways.
- B. Traffic Control. Signs which direct the flow of traffic to and from and within the site area shall observe the clear-vision requirements of the district, and shall be a maximum of three (3) square feet.
- C. Directories. An on-site sign oriented primarily toward vehicle circulation which identifies and directs traffic to a number of tenants, uses or buildings within the development, shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and eight (8) feet in height.
- D. Identification signs. An on-site, ground-mounted tenant identification sign for an individual building within a development may be allowed as an alternative to an on-building identification sign provided such sign shall:
 1. be located on the most visible side of the building being identified;
 2. not exceed twelve (12) square feet in area;
 3. not exceed four (4) feet in height; and
 4. use materials and colors which are the same, or substantially the same, as those used on the building identified by the sign.

2.206.07 Temporary Display and Portable Signs

- A. Temporary Displays. A combination of banners, streamers, strings of lights, flags, beacon lights and other similar apparatus may be displayed under the following conditions and limitations:
 1. Hazards: No sign, light, electrical cord, streamer, banner or other apparatus shall be situated or used in a manner which creates a hazard.
- B. Portable Identification Signs. A portable sign may be used to temporarily identify a new business until permanent identification signs are installed, or to identify an existing business while permanent identification signs are being repaired or

replaced, under the following conditions and limitations:

1. Need: No portable sign shall be allowed under this provision when any other permanent or portable sign visible from adjacent roads accurately identifies the premises.
 2. Number: Only one (1) portable identification sign shall be displayed for a development of complex.
 3. Time period: The use of a portable identification sign shall be valid for ninety (90) consecutive days, or until a permanent identification sign is installed, whichever occurs first.
 4. Design review: The application for permanent identification signing for the business shall be submitted for review prior to, or concurrent with, the establishment of a temporary display or portable sign under this Section.
 5. Size limits: Portable signs shall not exceed a sign area of thirty-two (32) square feet, or a height of six (6) feet above the natural ground elevation.
 6. Setbacks: Portable signs shall observe clear-vision area requirements of the district. In no case shall a portable sign be placed within the road right-of-way.
 7. Anchoring: All signs approved under this provision shall be physically established in a manner which both prevents the sign from being moved or blown from its approved location, and allows for removal of the sign.
 8. Exceptions: No portable sign shall be allowed under this provision for any business or development which has a ~~changeable~~ **electronic display** copy sign incorporated into their permanent identification sign.
 9. Illuminated Signs: Illumination of any sign, or portion thereof, in the shape of an arrow, or any other shape which may be construed as a traffic control device is prohibited. Signs containing any electrical components or parts, or illuminated by electrical lighting, must be approved under the National Electrical Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state approved power outlet.
 10. Hazards: No sign, light, electrical cord, streamer, banner or other apparatus shall be situated or used in a manner which creates a hazard.
- C. Portable Signs. ~~Except as provided in Section 2.206.03, p~~ Portable signs advertising goods and services available on-site shall not exceed an area of twelve (12) square feet, or a height of five (5) feet. Such signs shall be subject to clear-vision area

requirements, and one-half (1/2) the setback requirements of the district, and conditions 7 and 8 under Subsection 2.206.07(B).

D. Incidental Signs. Emblems, decals and other similar signs indicating membership in organizations, acceptance of credit cards, brand names of items sold, promoting the Oregon Lottery, and other such information which pertains to the business or proprietor of the business located on the premises may be displayed on the inside of any window or door.

E. **Signs Within a Building**~~Temporary Window Signs. Posters and other signs of a temporary nature which advertise or inform the public of current prices or events may be displayed on the inside of a window or door of a business located in a commercial or industrial district.~~ **Signs located within a building are allowed outright in all zones. Electronic display signs located within a building are permitted outright and do not require approval by the Planning Commission provided the aggregate area does not exceed three (3) square feet.**

F. Temporary signs advertising the sale, rental or lease of commercial or industrial premises, or identifying a property developer, lease agent or builder, or advertising a legally recorded subdivision in its entirety, or residential property in excess of one (1) acre, may be allowed, subject to the following limitations:

1. shall not exceed sixty (60) square feet in area;
2. shall pertain only to property upon which they are located;
3. shall observe the setback provisions under Subsection 2.206.05(~~A~~**D**)(4);
4. shall be limited to one (1) such sign on the premises;
5. shall not be artificially illuminated; and
6. such signs shall be removed from the premises after the premises are sold, rented or leased. Signs pertaining to recorded subdivisions shall not remain upon the premises in excess of eighteen (18) months from the date of filing of the subdivision.

G. Real Estate Signs Advertising Individual Lots:

1. shall not exceed six (6) square feet;
2. shall pertain only to the property upon which they are located;
3. shall be located at least five (5) feet behind the front lot line;
4. shall not exceed five (5) feet in height;

5. shall be temporary in nature and shall be removed within two (2) weeks after the date of sale; and
6. shall not be artificially illuminated.

H. Sandwich Board Signs

Sandwich boards are permitted in all commercial and industrial zones under the following conditions:

1. **There is only one (1) sandwich board sign per business entrance;**
2. **The sidewalk on which the sign is placed is a minimum of five (5) feet wide;**
3. **Signs shall not be located within the Oregon Department of Transportation (ODOT) Pacific Highway 99E right-of-way;**
4. **The sign shall not be placed in driveways, parking aisles, loading areas or parking spaces;**
5. **Sandwich board signs located within the city public right-of-way, shall be no larger than four (4) feet in height and two (2) feet in width.**
6. **The sign shall be professionally lettered, neatly painted or assembled and remain in good repair;**
7. **The sign shall be constructed to avoid being blown from its approved location and to avoid tipping or falling;**
8. **The sign shall not be internally lit, not have moving parts, and cannot have any permanent attachment that extends beyond the four (4) foot by two (2) foot dimensions.**
9. **No landscaping required by the City can be altered or removed to accommodate the sign;**
10. **Signs shall not block intersections, vision clearance areas or cause a public safety hazard;**
11. **Signs that do not comply with these requirements can be removed from the City right-of-way immediately by City personnel.**

2.303 HOME OCCUPATIONS

2.303.01 Standards

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation. The home occupation shall include at least one member of the family residing in the residence.
- B. Character. The character and primary use function of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. Traffic. A home occupation located on a local street or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips is equivalent to ten (10) round trips.
- D. Noise. A home occupation shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 60 DBA between the hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- E. Equipment and Process Restrictions. No home occupation conducted within a single-family detached residence or an accessory structure shall create vibration, glare, fumes, odors or electrical interference detectable to the normal sensory perception, off the property. No home occupation conducted in a residence other than a single family detached residence shall create vibration, glare, fumes, odors or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- F. Hazards. No equipment, process or material shall be used which will change the fire rating or structure separation, fire wall or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation is located, in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.
- G. Signs. Signing shall be as provided in Section 2.206.
- H. On-Premise Client Contact. Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot

be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract off-the-street customer or client traffic.

- I. Deliveries and Large Vehicle Storage. Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or United Parcel Service trucks. No vehicle over one (1) ton capacity used in conjunction with a home occupation shall be stored on the property or on public rights-of-way.
- J. Parking. Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than two (2) home occupation-related vehicles shall be located on the property at one time. In the case of vehicle repair services, only two (2) vehicles shall be located and repaired on the property at one time, and shall be located and repaired within an enclosed structure. Except when access to the property is from a local or collector street, adequate maneuvering room shall be provided on-site to allow vehicles to leave the property front-end first.
- K. Storage and Use of Yard Areas. Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a babysitter, as defined in Section 1.200, may use yard areas.

2.303.02 Process

- A. Home occupations **that meet the general standards of Section 2.303.01 and that are fully enclosed within a primary residential use** are allowed **outright** as an accessory use to any residential use in the City of Hubbard.
- B. **A home occupation that is not fully enclosed within a primary structure (residence) but meets all of the General Standards of Section 2.303.01 may be permitted** subject to the Type I approval process listed in Section 3.201.01.
- C. **A home occupation that exceeds one or more of the General Standards of Section 2.303.01 may be permitted subject to review and approval of a conditional use permit pursuant to Chapter 3.103.**
- D. **If t**The City Recorder, or the Recorder's designee **finds that the facts of the particular case require interpretation of existing standards, then a public hearing before** ~~may refer the application to the Planning Commission for their review as a Type II action.~~

- E. The standards of this Section shall govern all home occupations.

2.303.03 Non-Compliance

Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the penalties and remedies of Section 1.102.03.

3.101 SUMMARY OF APPLICATION TYPES AND REVIEW

3.101.01 Type I Action, Level 1 and Level 2

A Type I, Level 1, action is a ministerial review process without a public hearing in which City staff apply clear and objective standards that do not allow much discretion. Public notice is provided as required for a Type I Action, Section 3.201.01. Appeal is to the Planning Commission. The following action is processed under the Type I procedure:

- A. Property Line Adjustment;
- B. Home occupation (unless referred to the Planning Commission for review as a Type ~~II~~^I, Level 2 action).
- C. Minor Variance

A Type I, Level 2, action is a limited land use decision in which the Planning Commission apply clear and objective standards. The Planning Commission makes a decision on the application but does not conduct a public hearing, unless specifically required by this Ordinance. Public notice is provided as required for a Type I Action, Section 3.201.01 if no public hearing is conducted. Public notice is provided as required by Section 3.202.02 if a public hearing is conducted. Appeal is to the City Council. The following actions are processed under the Type I, Level 2, procedure:

- ~~D. Home Occupation (if referred to the Planning Commission)~~
- ~~E. Partitions~~

3.101.02 Type II Actions

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

- A. Conditional Use Permit
- B. Non-Conforming Uses
- C. Planned Unit Developments
- D. Similar Uses
- E. Variances
- F. Subdivisions
- G. Site Development Review
- H.** Home Occupation (if referred to the Planning Commission)

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
100 HIGH STREET S. E., SUITE #200, SALEM, OREGON 97301
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: Hubbard City Council
FROM: Suzanne Dufner, City Planner
RE: Ordinance 340-2014 - Hubbard Development Code Amendments
DATE: August 12, 2014

On July 8, 2014, the City Council held a public hearing on Legislative Amendment 2014-01 - proposed amendments to the Hubbard Development Code (HDC) concerning signs, home occupations, and caretaker residences.

The Council approved the proposed amendments subject to the following changes:

- Changing the sandwich board sign size from no larger than three (3) feet in height by two (2) feet in width to four (4) feet in height by two (2) feet in width for signs placed within the city right-of-way (HDC 2.206.07.H.5), and
- Amending moving signs (HDC 2.206.02.H) to allow sign shakers.

These changes have been incorporated into the final draft attached as Exhibit A of Ordinance 340-2014.

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
100 HIGH STREET S. E., SUITE #200, SALEM, OREGON 97301
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: Hubbard City Council
FROM: Suzanne Dufner, City Planner
RE: Development Code Amendments (Legislative Amendment 2014-01)
DATE: June 30, 2014

On July 8, 2014, the City Council is scheduled to hold a public hearing on Legislative Amendment 2014-01, which includes proposed amendments to the Hubbard Development Code concerning signs, home occupations, and caretaker residences (See attached, Exhibit 1.).

Legislative Amendment 2014-01 includes changes to the Development Code reviewed by the City Council and Planning Commission over the past several months. A summary of the proposed amendments is provided as follows:

Signs

Added definitions of electronic display and sandwich board signs; eliminated language that stated illuminated signs may not blink, flash, or flutter (note this does not apply to signs that are visible from a State Highway); amended the standards for signs located within a building and added requirements for sandwich board signs.

Home occupations

Streamlined the review process for home occupations that are fully enclosed within a residence.

Caretaker residence

Added a definition to clarify caretaker residences must be occupied by an employee that is located on the property for a substantial portion of each day for security purposes.

On May 13, 2014, the City Council held a work session to review the proposed amendments. The draft amendments have been revised to reflect the Council's feedback to delete Section 2.206.05(F)(4), which references time and temperature signs. The language found in 2.206.05(F)(1) already prohibits a time and temperature sign from being used on a sign with an electronic display.

Planning Commission Recommendation

On June 17th, the Planning Commission conducted a public hearing on Legislative Amendment 2014-01. At the close of the public hearing, the Commission recommended that the Council adopt Legislative Amendment 2014-01.

City Council Action

At the close of the public hearing, the City Council will need to make a decision regarding whether or not to adopt the proposed amendments.

The City Council's options include the following:

- A. Move to approve Legislative Amendment 2014-01 and direct staff to prepare an ordinance to adopt the proposed amendments to the Hubbard Development Code:
 - 1. As recommended by the Planning Commission
 - 2. As further amended by the City Council (state revisions).

- B. Continue the public hearing:
 - 1. To a time certain, or
 - 2. Indefinitely.

- C. Close the public hearing and take no action on the proposed amendments.

Exhibit: 1. Proposed Amendments to the Hubbard Development Code (draft dated 6/17/14)

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
100 HIGH STREET S. E., SUITE #200, SALEM, OREGON 97301
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: Hubbard Planning Commission
FROM: Suzanne Dufner, City Planner
RE: Development Code Amendments (Legislative Amendment 2014-01)
DATE: June 10, 2014

On June 17, 2014, the Planning Commission is scheduled to hold a public hearing on Legislative Amendment 2014-01, which includes proposed amendments to the Hubbard Development Code (See attached, Exhibit 1.). At the close of the public hearing, the Planning Commission will need to make a recommendation to the City Council regarding whether or not to adopt the proposed amendments. The City Council will then hold a public hearing to consider adoption of the amendments. The City Council public hearing to consider whether or not to adopt the proposed amendments is tentatively scheduled for July 8, 2014.

Legislative Amendment 2014-01 includes changes to the Development Code reviewed by the City Council and Planning Commission over the past several months. A summary of the proposed amendments is provided as follows:

Signs

Added definitions of electronic display and sandwich board signs; eliminated language that stated illuminated signs may not blink, flash, or flutter (note this does not apply to signs that are visible from a State Highway); amended the standards for signs located within a building and added requirements for sandwich board signs.

Home occupations

Streamlined the review process for home occupations that are fully enclosed within a residence.

Caretaker residence

Added a definition to clarify caretaker residences must be occupied by an employee that is located on the property for a substantial portion of each day for security purposes.

On May 13, 2014, the City Council held a work session to review the proposed amendments. The draft amendments have been revised to reflect the Council's feedback to delete Section 2.206.05(F)(4), which references time and temperature signs. The language found in 2.206.05(F)(1) already prohibits a time and temperature sign from being used on a sign with an electronic display.

The Planning Commission's options include the following:

- A. Move to recommend that the City Council adopt Legislative Amendment 2014-01:
 - 1. As found in the staff report dated June 10, 2014.
 - 2. As further amended by the Planning Commission (state revisions).
- B. Continue the public hearing:
 - 1. To a time certain, or
 - 2. Indefinitely.
- C. Close the public hearing and take no action on the proposed amendments.

Exhibit: 1. Proposed Amendments to the Hubbard Development Code (draft dated 6/17/14)

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: Hubbard City Council

FROM: Suzanne Dufner, City Planner

RE: Work Session on Legislative Amendment 2014-01 - Amendments to the Hubbard Development Code

DATE: May 5, 2014

On February 18, 2014, the Council held a joint work session with the Planning Commission to review proposed amendments to the Hubbard Development Code that address signs, home occupations, and medical marijuana facilities. Proposed amendments related to the location of medical marijuana facilities were removed from the current draft to provide additional time for Council to review and discuss this matter. Since the February work session, the Planning Commission held two additional work sessions to further refine the proposed amendments. A summary of the proposed amendments (see attached, Exhibit 1) is provided as follows.

Signs

Added definitions of electronic display and sandwich board signs; eliminated language that stated illuminated signs may not blink, flash, or flutter (note this does not apply to signs that are visible from a State Highway); amended the standards for signs located within a building and added requirements for sandwich board signs.

Home occupations

Streamlined the review process for home occupations that are fully enclosed within a residence.

Caretaker residence

Added a definition to clarify caretaker residences must be occupied by an employee that is located on the property for a substantial portion of each day for security purposes.

Upon incorporating feedback from the City Council into the attached draft amendments, staff will schedule public hearings before the Planning Commission and Council to adopt the proposed amendments.

Exhibit: 1. Proposed Amendments to the Hubbard Development Code

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: Hubbard Planning Commission
FROM: Suzanne Dufner, City Planner
RE: Amendments to the Hubbard Development Code (continued work session)
DATE: April 8, 2014

On March 18, 2014, the Planning Commission continued reviewing proposed amendments to the Hubbard Development Code that address signs and home occupations. Discussion on proposed amendments to address medical marijuana facilities has been postponed until further direction is provided by the City Council regarding this issue.

Staff updated the proposed amendments to reflect the following feedback provided at the March Planning Commission meeting (See Exhibit 1):

- 1.200 Definitions (Exhibit 1, page 1) – Added a definition for caretaker dwelling.
- 2.206.02(J) General Sign Provisions (Exhibit 1, pages 3-4) – Inserted the correct Nonconforming Uses code citation (Section 3.110).

Upon receiving feedback from the Planning Commission on the updated amendments, staff will schedule a work session with the City Council. After the Council work session, public notice will be given, and public hearings will be scheduled before the Planning Commission and Council to adopt the proposed amendments.

Exhibit: 1. Proposed Amendments to the Hubbard Development Code – Draft dated 4/8/14

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS
105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503) 588-6177 FAX: (503) 588-6094

TO: Hubbard Planning Commission

FROM: Suzanne Dufner, City Planner

RE: Continued work Session on amendments to the Hubbard Development Code –
Medical Marijuana Dispensaries, Signs and Home Occupations

DATE: March 10, 2014

On February 18, 2014, the City Council and Planning Commission held a joint work session to review proposed amendments to the Hubbard Development Code that address medical marijuana dispensaries, signs, and home occupations. Proposed changes to the draft amendments are discussed as follows.

Medical Marijuana Dispensaries

At the February 18th work session, the Planning Commission and Council discussed whether or not to allow medical marijuana facilities within commercial zones inside the city in accordance with Oregon Health Authority requirements. The Commission and the Council tabled discussion of the code amendments until further clarification was provided through the State Legislature regarding a city's ability to further regulate or ban medical marijuana facilities at the local level.

Since the February 18th work session, House Bill 1531 states cities may only impose time, place and manner restrictions, unless a city adopts an ordinance declaring a moratorium on medical marijuana facilities and notifies the Oregon Health Authority by May 1, 2014. However, the bill limits the moratorium to May 1, 2015. See attached summary provided by the Oregon League of Cities for additional information.

The proposed amendments to the Hubbard Development Code addressing medical marijuana facilities have been removed from the current draft code amendments until further direction is provided by the City Council and City Attorney on this issue.

Signs

Changes made to the Sign Code Chapter 2.206 based upon feedback received at the February 18th work session include:

- 2.206.02 General Provisions Item G.3. Illuminated Signs – deleted language that prohibits signs from appearing to flash, rotate, fade, scroll, or simulate movement, and replaced it with language stating no signs shall create a hazard to the public.

- 2.206.02 General Provisions Item H. Moving Signs – Should language that prohibits signs and sign structures from being designed to rotate, flutter or appear to move be deleted? Note: this would allow signs such as vehicle signs, sign shakers, and animated (video) signs. Proposed language was included to allow barber shop poles and clocks.
- 2.206.02 General Provisions Item K. Oregon Motorist Information Act Requirements – New section that indicates signs “visible to a State highway” are under the purview of ODOT and subject to state requirements.
- 2.206.05 Allocation Provisions and Sign Standards for Commercial and Industrial Developments Item F – Replaced “changeable copy signs” with “electronic display signs” and added new definitions to Chapter 1.200 for “electronic display signs” and “electronic display.”
- 2.206.07 Temporary Display and Portable Signs Item C. Portable Signs – deleted proposed language that excluded larger sandwich board signs located on private property.
- 2.206.07 Temporary Display and Portable Signs Item E. Signs Within a Building – Added language to allow electronic display signs located within a building outright without requiring Planning Commission approval provided the aggregate area does not exceed three (3) square feet.
- 2.206.07 Temporary Display and Portable Signs Item H. Sandwich Board Signs #5 – Specified that only sandwich board signs located within a city public right-of-way shall be no larger than 3 feet in height by 2 feet in width.

Home Occupations

The Home Occupation approval process was revised to create three types of approval:

1. Permitted home occupations outright with no city review if they meet the Home Occupation general standards and are fully enclosed within the residential use.
2. Requires Type I staff approval if the home occupation meets all of the general standards but is not fully enclosed within a primary structure.
3. Requires Type II Planning Commission approval if the home occupation exceeds one or more of the general standards.

- Exhibits:
1. Proposed amendments to the Hubbard Development Code
 2. League of Oregon Cities Bulletin Article – March 7, 2014