



Phone (541) 575-0028  
Fax (541) 575-3668

450 East Main Street  
John Day, Oregon 97845

May 23, 2018

**STAFF REPORT – HOME OCCUPATION PERMIT (TYPE III) – HOP-18-01**

**Application Number:** HOP-18-01  
**Applicant:** Edward Humbird – Agent for Value A.D.D.E.D. Inc.  
**Property Owner:** Value A.D.D.E.D.  
**Subject Property:** 777 E. Main Street, John Day, OR 97845  
Map 13S-31E-25BB Tax Lot 400  
**Requested Action:** Home Occupation Permit  
**Zoning:** Residential General (RG)

**REQUEST**

Mr. Edward Humbird, agent for Value A.D.D.E.D. Inc., has requested a Home Occupation Permit to operate an administrative office at the property located at 777 E. Main Street. The property is currently operating under a Conditional Use Permit for the Suzy-Q’s thrift store. This property is zoned Residential General (RG).

The applicant requests a Home Occupation Permit to use the manufactured home adjacent to Suzy-Q’s as an administrative office. Subject application attached (Exhibit A).

**APPLICABLE CRITERIA**

Home Occupation Permits exceeding the criteria in Section 5-2.2.200 of the John Day Development Code (the Code) must be processed as a Type III application under Section 5-4.9.020 Home Occupation Permits. These home occupations may be permitted, with conditions of approval when appropriate, in order to increase the benefits of people working and living in the same place, while protecting neighboring residents from adverse impacts of home occupation activities. These benefits to the business owner and to the general public include: reduced number of commute-to-work trips, day-time “eyes on the street” at the residence, and a neighborhood-scale version of mixed residential and commercial uses.

This application is unique in that the manufactured home proposed for an administrative office is currently not occupied as a primary residence. The property is also adjacent to a General Commercial (GC) district along U.S. Highway 26. A Home Occupation Permit is necessary due to the type of structure proposed and the property’s residential zoning, but unlike a traditional home occupation permit, no individual from the agency intends to reside at the premise.

## **REVIEW PROCESS**

The Planning Official referred the request to the Planning Commission pursuant to Section 5-4.1.040. The Planning Commission's review must focus on the relevant code criteria and follow the public hearing procedures for a Type III procedure, as governed by Chapter 5-4.1.040, using the approval criteria in subsection 5-2, below.

### **Public Notification**

Notice of the hearing was printed in The Blue Mountain Eagle. Certification of Notice attached (Exhibit B). No public comments were received with regard to the application.

### **Burden of Proof**

The applicant has the burden of demonstrating that the proposal meets all applicable Code requirements. The applicant is also responsible for complying with building code requirements and applicable state or federal requirements. It is the Planning Commission's responsibility to interpret the Code based on findings of fact.

## **FINDINGS**

The applicable code criteria are provided below in italics typeface; staff's findings follow each code provision in regular typeface. The findings, which are based on information submitted by the applicant, are preliminary. The final decision notice will contain findings addressing the Planning Commission's deliberation, and any public testimony, including any additional agency comments received by the close of the hearing.

The application and staff report findings may be modified based on factual information entered into the public hearing record. Members of the public who have questions about the proposal or who would like to submit oral or written testimony testify in person at the public hearing or submit written testimony to the City of John Day before the close of the hearing. Testimony should respond directly to the applicable criteria.

*1. Home Occupation Permit. Applications for proposals that do not meet all of the criteria for Home Occupations permitted by right in Section 5-2.2.020E shall be processed using a Type III procedure, as governed by Chapter 5-4.1.040, using the approval criteria in subsection 5-2, below. In addition to the application requirements contained in Section 5-4.1.040.B, the applicant shall provide:*

*a. A written narrative or letter:*

*(1) describing the proposed home occupation;*

*(2) demonstrating compliance with those standards in Subsection 2.1.100E that can be met, and explaining why the other standards in Subsection 5-2.1.100E cannot be met, and*

*(3) demonstrating compliance with the criteria in Subsection 5-2 below;*

*b. A site plan, not necessarily to scale, of the lot proposed for the home occupation, including:*

*(1) the property lines and their dimensions;*

- (2) outlines of the foundations of all buildings proposed for home occupation use with dimensions for each wall, and the distances from each wall to the nearest property line;*
- (3) boundaries and dimensions of driveways and parking areas, indicating areas for use by home occupation employees and customers;*
- (4) outlines of the foundations of abutting residences, and the distances from the shared property line to the nearest wall of each neighboring residence; and*
- (5) identifying the buildings and areas of those buildings in which home occupation activities will take place, and identifying which activities will take place in which buildings and areas.*

**Findings:** The Applicant intends to use the manufactured home as an administrative office. It will typically be occupied by the equivalent of one full-time employee. The application and intended use conforms with all requirements of Subsection 2.1.100E of the Code (Exhibit C). Site plan shows existing structure in relation to the facilities currently in use (Exhibit D).

*2. The City shall approve, approve with conditions, or deny an application for a Type III home occupation based on all of the following criteria:*

- a. The proposed use will not be materially detrimental to the stated purposes of applicable Code requirements and to other properties within a radius of 100 feet of the subject property;*
- b. Impacts to surrounding properties may exist but can be mitigated;*
- c. Existing physical and natural systems, such as, but not limited to drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred in compliance Section 2.1.100E.*

**Findings:** The Applicant’s proposed use is consistent with the current use of the property as previously approved by the City. No impacts to surrounding property owners are anticipated. This property could have be zoned General Commercial (GC) like the adjacent property to the west. It has been used as a business location for several years. Repurposing a manufactured home already on the lot to function as office space is consistent with the criteria for a Home Occupation Permit.

## **CONCLUSION AND STAFF RECOMMENDATION**

Based on the foregoing analysis and findings, staff recommends approval of the Home Occupation Permit as requested.

## **PLANNING COMMISSION DECISION**

After hearing the applicant’s presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

“I move to approve HOP-18-01 based on the findings contained in the staff report.”

*The staff report may be amended during the course of the hearing. The commissioner making the motion should list any additional conditions of approval or changes to staff’s proposed conditions of approval in his/her motion.*

Respectfully submitted this 24th day of May, 2018:



Nicholas Green  
City Manager / City Planner  
City of John Day

Attachments:

Application form and narrative (Exhibit A)  
Certification of Notice (Exhibit B)  
Subsection 2.1.100E of the Code (Exhibit C)  
Site plan (Exhibit D)

RECEIVED  
FEB 27 2018  
CITY OF JOHN DAY

City of John Day  
450 East Main Street  
John Day, OR 97845

Phone: 541-575-0028  
Fax: 541-575-3668

Land Use Review

I. BACKGROUND INFORMATION

Edward Humbird - agent for

- (A) Applicant/Owner: V.A.L.U.E. A.D.D.E.D., Inc Phone: 541-575-0715 ext 3
- (B) Address: 777 E Main St
- (C) Property Address: 797 E Main St
- (D) Township; Range; Section; Tax Lot: \_\_\_\_\_  
Zone: \_\_\_\_\_ (F) Parcel Size: \_\_\_\_\_
- (G) Existing Use/Structures: \_\_\_\_\_
- (H) Application Proposal: Home Occupation

Type III for use of manufactured home as office space for value added.

## REVIEW CRITERIA

### 5-4.2.010 Purpose

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of land use and site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards;
- E. Encourage the conservation of energy resources; and
- F. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

### 5-4.2.020 Applicability

Land Use Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

- A. **Land Use Review – Exemptions from Site Design Review.** Land Use Review is conducted by the City Planning Official without a public hearing (Type I or II). (See Chapter 5-4.1 for review procedure.) It is intended to ensure compliance with land use regulations when a project proposal does not require a conditional use permit, land division, or site design review approval. Land Use Review ensures compliance with the standards of the land use district, such as lot area, building setbacks and orientation, lot coverage, maximum building height, special use standards, and other provisions of Article 5-2. Land Use Review is required for the types of proposals listed below. Proposals exceeding the thresholds below require Site Design Review, per Section 5-4.2.030.
  - 1. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic;
  - 2. Single-family detached dwelling (including manufactured home) on its own lot;

3. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;
4. Non-residential building addition of up to 500 square feet;
7. Home occupation, except where Site Design Review is required under Chapter 5-4.9;
8. Temporary uses, except where Site Design Review is required under Chapter 5-4.9;
9. Accessory structures and accessory parking;
10. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application, provided modifications to such plans may be subject to Chapter 5-4.6;
11. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official.

**B. Site Design Review.** Site Design Review is a discretionary review conducted by the Planning Official (Type II Review) or by the Planning Commission in a public meeting (Type II Review) or a public hearing (Type III Review). Site Design Review applies to all development in the City, except developments specifically listed under “A” above (Land Use Review). Site Design Review ensures compliance with the land use and development standards in Article 5-2, the design standards and public improvement requirements in Article 5-3, and other applicable regulations.

#### **5-4.2.030 Land Use Review Procedure and Approval Criteria**

When Land Use Review is required, it shall be conducted prior to issuance of building permits, occupancy permit, business license, or public improvement permits, as determined by the City Planning Official. The City shall conduct Land Use Reviews using either a Type I or Type II procedure, as described in Sections 5-4.1.020 and 5-4.1.030. A Type I procedure shall be used when the Planning Official finds that the applicable standards are clear and objective and do not require the exercise of discretion. A Type II procedure shall be used when the decision is discretionary in nature. The City Planning Official shall be responsible for determining the required review procedure. An application for Land Use Review shall be approved only upon meeting all of the following criteria:

- A. The proposed land use or development is permitted by the underlying land use district (Article 5-2);

B. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district and any applicable overlay district(s) are met (Article 5-2); and

C. When development is proposed, the applicable sections of Article 5-3, Design Standards apply.

Note: Land Use Reviews do not address a project's compliance with applicable building, fire and life safety regulations. Subsequent review by City officials may be required to determine compliance with applicable regulations.

### SIGNATURES

NOTE: ALL OWNERS MUST SIGN THIS APPLICATION OR SUBMIT A LETTER OF CONSENT AUTHORIZING ANOTHER INDIVIDUAL TO MAKE APPLICATION. INCOMPLETE OR MISSING INFORMATION MAY DELAY THE REVIEW PROCESS.

Edward Humbird 2/27/2018  
Applicant/Owner Date

\_\_\_\_\_  
Applicant/Owner Date

### FOR OFFICE USE ONLY

Submittal Date: 2/27/2018 Fee: \$100 Received by: Julie

Application Type: Type III Completeness: \_\_\_\_\_ 120 Day: 6/27/18

Staff Report: \_\_\_\_\_ Commission Hearing: \_\_\_\_\_ Council Hearing: \_\_\_\_\_



**ACKNOWLEDGEMENT OF FEE SCHEDULE AND COSTS**

By signing my name below, I acknowledge that I received a copy of the Fee Schedule effective as of November 22, 2005 and I have read it and agree to pay the fees in said Fee Schedule and costs as stated herein.

I also acknowledge that I understand that I am responsible for all costs incurred by the City related to my land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance 04-112-2.

City costs include but are not limited to:

- 2.1 City Manager at \$47.51 per hour;
- 2.2 City Planner at \$115.00 per hour;
- 2.3 City Secretary/Cashier at \$26.27 per hour;
- 2.4 Public Works Director at \$30.06 per hour;
- 2.5 Police Chief at \$43.84 per hour;
- 2.6 Fire Chief at \$36.39 per hour;
- 2.7 City Engineer at \$100.00 per hour
- 2.8 City Attorney at \$150.00 per hour;
- 2.9 Facsimile transmittal at \$2.00 per fax and \$ .50 per page;
- 2.10 Copy fee of \$ .25 per page;
- 2.11 Mileage at current Internal Revenue Service rate; and
- 2.12 City surveyor fee.

Dated this 27 day of February, 2018

EDWARD HUMBERT  
Print Applicant's Name  
Edward Humbert  
Applicant's Signature

## JOHN DAY TITLE 5 & MEASURE 37 FEE SCHEDULE

The following fee categories and fees apply to land use and development permit applications and approvals, and appeals under Title 5 of the JOHN DAY CITY CODE "Development Code" and Measure 37 claims under Ordinance No. 04-112-2. These fees are deposits only. All persons required to file applications under Title 5 for land use and development permit applications and approvals, or file appeals under Title 5 or claims under Measure 37 under Ordinance 04-112-2 shall pay the actual cost to the City for processing said applications, appeals and claims. If the cost to the City is less than the required deposit the City will refund the difference and if the cost to the City is more than the deposit the City shall bill for the difference as authorized. Costs to the City shall include but are not limited to payment of City employee wages who are involved in processing an application or appeal at their current hourly rate, City attorney fees, City engineer fees, City surveyor fees, newspaper publication fees, postage, map creation and duplication fees, copying fees, long distance telephone call fees, facsimile fess and mileage as authorized.

<b>FEE CATEGORY</b>	<b>FEE</b>
1. Land Use District Map Change Includes but is not limited to:	
1.1 Petitions for Annexation (Type IV Review)	\$500
1.2 District Map (Zone) Changes	\$500
2. Comprehensive Plan Amendments	\$500
3. Conditional Use Permit	\$500
4. Land Use Review	\$100
5. Variance:	
5.1 Class A	\$100
5.2 Class B	\$250
5.3 Cass C	\$250
6. Code	
6.1 Interpretation	\$100
6.2 Amendment	\$500
7. Flood Plain Development or Flood Plain Permit	\$200
8. Appeals:	
8.1 To the Planning Commission	\$100
8.2 To the City Council	\$300
9. Nonconforming Use or Development Confirmation	\$250
10. Historic Building Permit, Demolition or Remodel/Alteration:	
10.1 If handled by Staff and no public hearing is held	\$250
10.2 If a Public Hearing is required	\$400
11. Property Line Adjustment and/or Lot Consolidations	\$100
12. Master Planned Development	\$1,500 plus \$25 per lot
13. Partition	\$300
14. Site Plan Review	\$300
15. Subdivision	\$1,200 plus \$25 per lot
16. Measure 37 Claim	\$ 50
17. Lot of Record Determination	\$ 50
18. Access Permit (public street)	\$ 50
19. Home Occupation exceeding the criteria in Section 5-2.2.200	\$100
20. Modification to Approval:	
20.1 Minor (Type II)	\$ 50
20.2 Major (Type III)	\$150
21. Sign Permit:	\$ 50
22. Temporary Use Permit:	
22.1 Type II	\$ 50
22.2 Type III	\$150

**CASH RECEIPT**

020625

Date 2/27/18

Received From V.A.L.U.E. ADDED

Address

one hundred dollars and zero cents Dollars \$ 100<sup>00</sup>

For Land Use Review

**City of John Day**  
450 East Main Street  
John Day, Oregon 97845  
541-575-0028

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID	<u>100.00</u>	<del>CASH</del>	<u>200.00</u>
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By C. Drayton

**EXHIBIT B**

**IN THE CIRCUIT COURT OF THE  
STATE OF OREGON FOR GRANT  
COUNTY**

**} AFFIDAVIT OF PUBLICATION**

STATE OF OREGON  
County of Grant } ss

I, Alexandra Perkins being  
duly sworn, depose and say that  
I am the principal clerk of the  
publisher of the Blue Mountain  
Eagle, bluemountaineagle.com, a  
newspaper of general circulation,  
as defined by ORS 193.010 and  
193.020; that the

**Planning Commission Hearing**

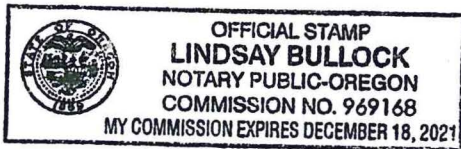
a printed copy of which is hereto  
annexed; was published in the  
entire issue of said newspaper for **1**  
successive and consecutive issues in  
the following issues:

**05/09/2018**

Subscribed and sworn to before me  
on this **9th day of May, A.D. 2018**

Alexandra Perkins

Lindsay Bullock  
Notary Public of Oregon



At 6:00 pm on Thursday, May 24, 2018 at the Fire Station at 316 S Canyon Boulevard, the John Day Planning Commission will review the following requests:

A request from Value A.D.D.E.D. Inc. to modify their conditional use permit to include operation of a business office from a manufactured structure located at 777 E. Main Street.

A Class B variance request from Leun Fuchs to build an open structure carport with a five-foot rear property line setback at 108 NE 7th Street.

A Class B variance request from the John Day Fire Department to place a non-conforming street sign at the John Day Fire Hall located at 316 S. Canyon Boulevard.

A proposed John Day Housing Incentives Plan including its relationship to the John Day Comprehensive Plan, and make a recommendation to the John Day City Council.

Documents may be reviewed by contacting: Nicholas Green, City Manager at 541.575.0028 or greenn@grantcounty-or.gov.

**RECEIVED**  
**MAY 14 2018**  
**CITY OF JOHN DAY**

**E. Home Occupations.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this Code: 1) Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided the owner has a current business license and all other uses and structures on the subject property are in conformance with the applicable zoning; and 2) Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Type III Home Occupation Permit procedure under Section 5-4.9.020.

### **Type I Standards for Home Occupations**

#### 1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

#### 2. Storage:

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

#### 3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no other/not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.

## 5-2.2 – Residential (R) Land Use Districts – Special Use Standards: Home Occupations

- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
  - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
4. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed four (4) square feet of surface area on all sides.
5. Vehicles, Parking and Traffic:
- a. Off-street parking shall be provided for all commercially licensed vehicles associated with the home occupation. Such parking shall conform to the standards of Chapter 5-3.3.
  - b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
  - c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only, Monday through Friday, subject to subsections 1 and 5, above.
7. Prohibited Home Occupation Uses:
- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
  - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited; except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.
  - c. The following uses and uses with objectionable impacts similar to those listed (i.e., due to motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, or other nuisance), are prohibited:
    - (1) Ambulance service;
    - (2) Animal hospital, veterinary services, kennels or animal boarding;

## 5-2.2 – Residential (R) Land Use Districts – Special Use Standards: Home Occupations




- (3) Auto and other vehicle repair, including auto painting; and
  - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
8. Inspection: The Planning Official or designee may visit and inspect the site of a home occupation during normal business hours, and with reasonable notice, to ensure compliance with all applicable regulations.

# Value A.D.D.E.D.

Site Layout

## EXHIBIT D

### Legend

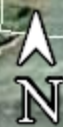
-  32-foot front setback
-  Proposed Admin. Office
-  Untitled Path



Google Earth

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26



100 ft