



CITY OF JOHN DAY  
Planning Department  
450 East Main Street  
John Day, Oregon 97845  
541-575-0028

**STAFF REPORT**  
**Application**  
**P. Teague CUP**  
**Accessory**  
**Structure**

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**APPLICANT:** Pete and Glenda Teague  
824 East Main Street  
John Day, OR 97845

**OWNER:** Pete and Glenda Teague

**REQUEST:** Conditional Use Permit Application for Accessory Building Exceeding 1000 sq. ft. maximum and 14 ft. height restriction.

**[5-2.2.020 Residential Districts - Allowed Land Uses](#)**

Accessory Structures (with a permitted use)

- Taller than 14 ft. or larger than 1,000 square feet of building footprint.

**LOCATION:** The property description is Township 13S, Range 31E, Section 25, Tax Lot 2200, 822 East Main Street, John Day, OR 97845

**PARCEL CHARACTERISTICS:** The parcel contains .35 acres and zoning is RG (Residential General)  
The proposed structure will be 40ft. x 50ft x 17ft (2,000 sq. ft. of floor space)  
Currently, the lot is empty.

**OTHER INFORMATION:**

Exhibits in this packet:  
Variance (CUP) Application  
Maps

**PREVIOUS PLANNING DEPARTMENT AND OTHER AGENCY ACTIONS:**

**STAFF COMMENT:**

Application deemed complete: Oct 4<sup>th</sup>, 2023

This application is for a Conditional Use Permit (CUP) for an accessory building that exceeds both the base floor square footage of 1,000 sq. ft. as well as the 14' height allowance.

The new construction would total 2,000 square feet and sit at 17' tall. Currently, there are no other structures on this lot as the owner's residence sits on an adjacent lot.

This is a listed CUP for this type of construction in Residential General, thus NOT requiring a variance.

## REVIEW CRITERIA:

### 5-1.2.090 Official Action

- A. **Official Actions.** The City of John Day City Council, Planning Commission, and Planning Official, as applicable, are vested with authority to issue permits and grant approvals in conformance with this Code. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. **Void Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless it is modified by the City to conform to the Code. The Planning Official shall determine when an approval is void and he or she may modify the approval or refer it back to the original decision-making body for modification, to ensure Code compliance.
- C. **Notices and Validity of Actions.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort is made to notify all parties entitled to notice.

### 5-1.2.060 Land Use Consistent With Development Code And Zoning Map

1. **Land Use Consistent With Development Code.** A lawful use is one that is permitted in accordance with this Code (including non-conforming uses, subject to [Chapter 5-5.2](#)), and is not prohibited by law. Where a proposed use is not specifically identified by this Code, the Planning Official shall refer to [Chapter 5-1.3](#), as applicable, and determine whether the use is similar to another use (or uses) that is (are) permitted, allowed conditionally, or prohibited by this Code. Where the Code is unclear and the Planning Official is unable to make a similar use ruling without referencing sources outside the Development Code, the requested use shall be denied, or a similar use determination shall be made pursuant [Chapter 5-4.8 Code Interpretations](#) and the use shall accordingly be permitted, allowed conditionally, or denied.

### 5-1.2.040 Rules Of Code Construction

- A. **Provisions of this Code Declared to be Minimum Requirements.** Minimum requirements intended. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of public health, safety, and general welfare.
- B. **Most restrictive requirements apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable regulations, the most restrictive regulation, or that imposing the highest standard, shall govern.
- C. **Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar terms means the provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar term means the provision is recommended (i.e., as in a guideline) and may be imposed as a requirement only where applicable code criteria provide such discretion to the decision-making body.
- D. **Severability.** The provisions of this Development Code are severable. If any section, sentence, clause or phrase of the Development Code is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Development Code.

### **5-4.1.010 Purpose And Applicability Of Review Procedures**

- A. **Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 5-4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. **Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 5-4.1.010 lists the City’s land use and development approvals and their required review procedure(s).
1. Type I Procedure (Administrative). Type I decisions are made by the City Planning Official, or someone he or she officially designates, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
  2. Type II Procedure (Administrative). Type II decisions are made by the City Planning Official with public notice and an opportunity for appeal;
  3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council.
  4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation or revision, or large-scale implementation of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

### **5-4.1.040 Type III Procedure (Quasi-Judicial)**

Presenting and receiving evidence.

- A. The Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence.
- B. No oral testimony shall be accepted after the closing of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this Section.
- C. Members of the Planning Commission may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

## **5-4.4.040 Conditional Use Permits - Criteria, Standards And Conditions Of Approval**

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

### **A. Use Criteria**

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity or are to be improved to serve the proposal, consistent with City standards.
4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under [Article 5-2](#); nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

B. **Site Design Standards.** The Site Design Review approval criteria ([Section 5-4.2.060](#)) shall be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.

C. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized.

## **5-4.1.060 General Provisions: 120-Day Rule; Time Computation; Pre-Application Conferences; Acceptance And Review; Planning Official's Duties; Amended Applications; Re-Submittal; Appeals**

1. **120-day Rule.** The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions - plan and code amendments - under ORS 227.178.)

### **Traffic Impact Analysis**

No New Impact.

### **Emergency Services**

No New Impact.

### **Public Works**

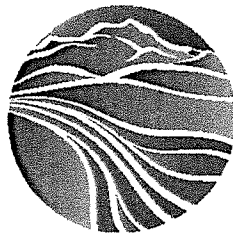
No New Impact.

If the Planning Commission approves the application:

**STAFF SUGGESTED CONDITIONS OF APPROVAL:**

None.

**CONCLUSIONS:** To be developed at the hearing.



CITY OF  
**JOHN DAY**

### Conditional Use Application

Applicant: PETE TEAGUE Phone: 541-670-0841 Email: prowlcrpete@yahoo.com

Property Owner(s): PETE + GLENDA TEAGUE

Property Address: 822 E MAIN ST

Township, Section, Range, and Tax Lot: 1353125 TL2800

Zone: RG Lot size: .35 ACRE

Existing Use: BARE LOT

Proposed Structure: 40 x 50 x 17

Proposed Use: ACCESSORY BUILDING

Proposed Front Setback: 66.04' Proposed Rear Setback: 28'

Proposed Side Setbacks: 40.0' and 37.3'

Additional Information: \_\_\_\_\_

Reason for Exceeding Code Requirements: \_\_\_\_\_







CITY OF  
**JOHN DAY**

## Review Criteria

Planning staff may require the following information if applicable:

- Existing site conditions
- Site plan
- Preliminary grading plan
- Landscape Plan
- Architectural drawings of all structures
- Drawings of all proposed signs
- A copy of all existing and proposed restrictions or covenants
- Other information deemed necessary under section 5-4.4.040

### Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

#### A. Use Criteria

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity or are to be improved to serve the proposal, consistent with City standards.
4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 5-2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

B. **Site Design Standards.** The Site Design Review approval criteria (Section 5-4.2.060) shall be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.



- C. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:
1. Limiting the hours, days, place and/or manner of operation;
  2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
  3. Requiring larger setback areas, lot area, and/or lot depth or width;
  4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
  5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;
  6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
  7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
  8. Limiting the number, size, location, height and/or lighting of signs;
  9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
  10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
  11. Requiring and designating the size, height, location and/or materials for fences;
  12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
  13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 5-3.1, and Section 5-3.1.030 in particular;
  14. Establish a time table for periodic review and renewal, or expiration, of the conditional use to ensure compliance with conditions of approval; such review may be subject to approval by the Planning Official or Planning Commission through a Type II Administrative Review or Type III Quasi-Judicial process at the discretion of the decision making body.



CITY OF  
**JOHN DAY**

**Signatures**

Note: All owners must sign this application or submit a letter of consent authorizing another individual to submit application. Incomplete or missing information may delay the review process.

Owner: *Pete R. Riegner* Date: \_\_\_\_\_

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

<b>For Office Use Only</b>	
<p><b>RECEIVED</b></p> <p>JUL 06 2023</p> <p>CITY OF JOHN DAY</p> <p>Required Fee: \$ <u>400</u> Date Received: <u>7/6/23</u> 120 Day Deadline: _____</p> <p><i>6/21/23 ✓ 415 \$100</i></p>	<p>Received By: <u><i>S. Weyant</i></u></p>

CRB 119-3

CITY OF JOHN DAY  
450 EAST MAIN STREET  
JOHN DAY, OR 97845  
541-575-0028

**CASH  
RECEIPT**

Date 7/6/23

030719

Received From Pete Teague

Address \_\_\_\_\_

Four hundred dollars & 00/100 Dollars \$ 400.00

For Conditional Use Permit

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	417
BALANCE DUE		MONEY ORDER <input type="checkbox"/>	
		CREDIT CARD <input type="checkbox"/>	

By S. Winkler

**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 18 day of July, 2023

\_\_\_\_\_  
Print Applicant's Name

John Rodriguez  
\_\_\_\_\_  
Applicant's Signature



**STRUCTURAL PERMIT APPLICATION**

201 S. Humbolt, Ste 170  
 Canyon City, OR 97820  
 541-575-1519  
 Grantcountyoregon.net  
 buildingpermits@grantcounty-or.gov

DEPARTMENT USE ONLY	
Permit #:	
By:	Date:

*This permit is issued under OAR 918-440-0050. Permits expire if work is not started within 180 days of issuance or if work is suspended for 180 days.*

JOB SITE INFORMATION	OWNER INFORMATION
Name: <u>Pete Teague</u>	I am the property owner doing my own work (initial): _____
Address: <u>824 E MAIN ST</u>	Owner Name: <u>Pete Teague</u>
City: <u>John Day, OR 97845</u>	Mailing address: <u>824 E MAIN ST.</u>
Parcel #: <u>1353125 TL2200</u>	City/State/ZIP: <u>John Day, OR 97845</u>
Directions to work site:	Phone: _____ Cell: <u>541-620-0841</u>
	Email: <u>prowlerpete@yahoo.com</u>

Zoning	Floodplain	Sanitation
Information verified/approved? <input type="checkbox"/> Y <input type="checkbox"/> N	<input type="checkbox"/> Y <input type="checkbox"/> N	Information verified/approved? <input type="checkbox"/> Y <input type="checkbox"/> N
Signature:	Signature:	Signature:
Jurisdiction:	Jurisdiction:	Jurisdiction:
Date:	Date:	Date:

**(1) Valuation Information**

(a) Job description: \_\_\_\_\_

(b) Occupancy: \_\_\_\_\_

(c) Construction type: \_\_\_\_\_

(d) Square feet: \_\_\_\_\_

(e) Cost per square foot (April ICC): \_\_\_\_\_

(f) Type of Work:  New  Alteration  Addition  Demolition  Repair

(g) Is this a foundation ONLY permit?  Yes  No

(h) Is this a plan review ONLY?  Yes  No

Total valuation: \_\_\_\_\_

(2) Building Fees	Contractor:
(a) Permit fee:	_____
(b) 12% surcharge:	Address: _____
(3) Plan Review	City/State/ZIP: _____
(a) Plan review (permit fee x .65)	Phone: _____
(b) Fire & Life Safety (permit fee x .40)	Cell: _____
(c) Added plan review \$65/hr	Email: _____
(d) Seismic review – permit fee x 0.01	CCB license: _____
(4) Miscellaneous Fees	BCD license: _____
(a) Re-inspection or added inspection \$65/ea	Department Use Only <input type="checkbox"/> Check <input type="checkbox"/> Cash <input type="checkbox"/> CC
(b) Other inspection \$65/hr	\$ _____ # _____
(c) Investigation \$65/hr	
<b>Total Due:</b>	

I hereby certify that, to my knowledge, the above information is true and correct. All work to be performed shall be in accordance with all governing laws and rules.

Applicant name:	<u>Pete Teague</u>
Mailing Address:	<u>824 E. MAIN ST.</u>
City/State/ZIP:	<u>John Day, OR 97845</u>
Phone:	<u>541-620-0841</u> Cell: _____
Email:	<u>prowlerpete@yahoo.com</u>
Signature:	Date: _____