



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: October 4, 2018
Subject: **Notice of Decision for HO2018-0002 Threadgill's Memorial Services, LLC, Home Occupation**

Please find attached the notice of decision for **HO2018-0002 Threadgill's Memorial Services, LLC, Home Occupation**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for HO2018-0002 Threadgill's Memorial Services, LLC Home Occupation is final, unless appealed within twelve (12) calendar days following the date of the decision. The procedures for appeal of a Type 2 Decision are specified in Section 50.65 of the Beaverton Development Code. The appeal shall include the following in order for it to be accepted by the Director:

- The case file number designated by the City.
- The name and signature of each appellant.
- Reference to the written evidence provided to the decision making authority by the appellant that is contrary to the decision.
- If multiple people sign and file a single appeal, the appeal shall include verifiable evidence that each appellant provided written testimony to the decision making authority and that the decision being appealed was contrary to such testimony. The appeal shall designate one person as the contact representative for all pre-appeal hearing contact with the City. All contact with the City regarding the appeal, including notice, shall be through this contact representative.
- The specific approval criteria, condition, or both being appealed, the reasons why a finding, condition, or both is in error as a matter of fact, law or both, and the evidence relied on to allege the error.
- The appeal fee of \$250.00, as established by resolution of the City Council.

The appeal closing date for HO2018-0002 Threadgill's Memorial Services, LLC Home Occupation is 4:30 p.m., Tuesday, October 16, 2018.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. The case files may be reviewed at the Beaverton Planning Division, Community Development Department, 4th Floor, Beaverton Building City Hall; 12725 SW Millikan Way between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. For more information about the case file, please contact Sandra Freund, AICP, Planning Supervisor, at (503) 526-3718.



NOTICE OF DECISION

DATE: October 4, 2018

TO: All Interested Parties

FROM: Sandra Freund, AICP, Planning Supervisor

PROPOSAL: HO2018-0002 Best Strategies, Inc., dba Threadgill's Memorial Services, LLC) Home Occupation

LOCATION: 9520 SW Duncan Lane
Tax Lot 02000 of Washington County Map 1S114BD

SUMMARY: The applicant, Best Strategies, Inc., dba Threadgill's Memorial Services, LLC, is seeking Home Occupation Two approval to a home office for funeral and cremation services. The scope of services include consultation and related paperwork, with occasional pickup and delivery. All other related services occur on the company's website, and off-site at the company's warehouse and showroom facility in Northeast Portland, 4835 NE Pacific Street, in addition to churches, cemeteries or parks where services are held. No exterior site modifications are proposed. The applicant states there will be only occasional customer visits to the home. One employee lives in the home.

APPLICANT/ Best Strategies, Inc., dba Threadgill's Memorial Services, LLC.
9520 SW Duncan Lane
Beaverton, OR 97005

PROPERTY OWNER: Ron and Deborah Threadgill
9520 SW Duncan Lane
Beaverton, OR 97005

DECISION: **APPROVAL of HO2018-0002 – Threadgill's Memorial Services, LLC Home Occupation**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

Application	Submittal Date	Deemed Complete	120-Day	365-Day*
HO2018-0002	August 9, 2018	September 5, 2018	January 3, 2019	September 5, 2019

* Pursuant to Section 50.25.9 of the Development Code this is the latest date, with a continuance, by which a final written decision on the proposal can be made.

Existing Conditions Table

Zoning	R10 Urban Low Density	
Current Development	Single Family Residential	
Site Size	0.35 acres	
NAC	Denney Whitford / Raleigh West	
Surrounding Uses	<u>Zoning:</u> North: Urban Standard Density (R10) South: Urban Standard Density (R1) East: Urban Standard Density (CS) West: Urban Standard Density (R10)	<u>Uses:</u> North: Single Family Residential South: Single Family Residential (Attached) East: Single Family Residential West: Single Family Residential

DESCRIPTION OF APPLICATION AND TABLE OF CONTENTS

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Attachment A: Home Occupation Two (HO2018-0002)	HO 5-12
Attachment B: Conditions of Approval	COA-1

Exhibit 1: Applicant Materials

- 1.1 Site Plan

Exhibit 2: Public Comments

- 2.1 Public comment received on September 24, 2018 in opposition, from Ms. Michele A. Ruscigno, 686 SE Tumbleweed Lane, Madras, OR 97741.

ANALYSIS AND FINDINGS FOR
HOME OCCUPATION TWO APPROVAL
HO2018-0002 – Threadgill’s Memorial Services, LLC

Section 40.40.05 Home Occupation: Purpose

The purpose of the Home Occupation application is to provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It recognizes the potential advantages for reducing commuter travel when people work at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of residential districts. It is the intent of this section that these uses be allowed so long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large. This Section is carried out by the approval criteria listed herein.

Section 40.40.15.2.C Approval Criteria

In order to approve a Home Occupation application Two application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- 1. The proposal satisfies the threshold requirements for a Home Occupation Two application.***

The applicant proposes to operate a home office for funeral and cremation services, which will include occasional pickup and delivery of business related items. The application meets threshold 1, as described below:

- 1. A home occupation is proposed where outside customers or employees visit the premises.***

Therefore, staff finds that the proposal meets the criterion for approval.

- 2. All City application fees related to the application under consideration by the decision making authority have been submitted.***

The City of Beaverton received the appropriate fee of \$753.00 for a Home Occupation Two application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 3. *The proposed home occupation shall have a maximum of one (1) volunteer or employee who is not a resident on the premises.***

The business is a family business; all current employees live at the residence. In the future, it is anticipated that one (1) employee will live off site. Staff proposes a condition of approval that not more than one (1) person not living in the dwelling may be employed or volunteer on the premises.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 4. *The proposed home occupation shall have no more than 8 daily customers or clients on the premises.***

The applicant states that the majority of customer interaction occurs on the company's website, ThreadgillMemorial.com, or at the company's warehouse and showroom facility, located in northeast Portland at 4835 NE Pacific Street; or in a church, cemetery, or park where services are held. Occasional visits to the home-based business are anticipated for pick-up and delivery, however it is anticipated this will happen fewer than ten times per week. Staff proposes a condition of approval that all customers will arrive by appointment only with a maximum of eight customers per day. Staff concurs that the applicant will not have more than eight daily customers or clients on the premises.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 5. *All customer and client visits to the proposed home occupation shall occur only between the hours of 7:00 a.m. and 10:00 p.m.***

The applicant states that the business will operate within the hours of 9:00 am to 5:00 pm, Monday through Friday, Saturdays by appointment only, and closed on Sundays. Staff proposes a condition of approval that the home occupation shall be limited to the hours of 9:00 am to 5:00 pm, Monday through Friday, by appointment only on Saturdays, and closed on Sundays.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 6. *If on-site parking is provided, a plan for additional parking may be approved if:***

a. Not more than a total of 4 on-site parking spaces for the combined residential and home occupation uses are proposed.

b. The parking spaces, driveway, street access, landscaping, storm water drainage, and screening comply with this Code and other city standards.

The residence for the home-based business has a detached garage with a driveway connection to SW Jamieson Road. Due to the limited parking on SW Duncan Lane, and no driveway access from SW Duncan Lane, accessing the property will be from SW Jamieson Road, as well as on-site parking. The existing driveway on SW Jamieson Road provides one additional off-street parking space, which is sufficient to accommodate the parking needs of the house and the home-based business as required. Staff proposes a condition of approval requiring the applicant to provide one off-street parking space utilizing the existing driveway for customer pick-up, drop-off, and other parking related to the home occupation.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval

7. ***Excluding regular U. S. Postal Service delivery, the home occupation shall not require more than two (2) trips per day for delivery or pick up to the residence between the hours of 8:00 a.m. and 6:00 p.m. There shall be no deliveries or pick ups between the hours of 6:00 p.m. and 8:00 a.m.***

The applicant states that deliveries from UPS, FedEx, and Amazon occur approximately 1-2 times per week, and not typically done between the hours of 6:00 pm to 8:00 am. The applicant states no deliveries will be scheduled outside of the regular business hours of 9:00 am to 5:00 pm, and will not occur more than twice per day. Impacts to the neighbors along SW Duncan Lane will be minimized because there is a dedicated entrance visible and accessible from SW Jamieson Road. Lastly, the applicant intends to work with the city Building Division to provide addressing along SW Jamieson to further limit the potential of delivery vehicles stopping along SW Duncan Lane. Staff is satisfied that the proposed business does not exceed the maximum delivery or pick-ups to the residence.

Therefore, staff finds that the proposal meets the criterion for approval.

8. ***The proposed home occupation is being undertaken by an occupant of the residence.***

The applicant has confirmed that Mr. and Mrs. Threadgill currently operate the business, and that their adult daughter is the only employee. All three employees currently occupy the residence where the home-based business is located. Staff proposes a condition of approval to address the limitation.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval

9. ***The proposed home occupation is participating in and is consistent with the City's Business License Program and other agency licensing requirements as appropriate to the proposed use.***

The applicant states that Threadgill's Memorial Services, LLC currently holds a Business License; number 31971. Staff confirms that this Business License is

accurate and current. As a condition of approval, the applicant will continue to maintain an active City of Beaverton Business License.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 10. *The on-site operation of the proposed home occupation shall be conducted entirely within the dwelling, a conforming accessory structure, or both. No exterior storage of materials or equipment shall occur on the premises.***

The applicant states that all operations related to the home occupation will occur in the residence for paperwork and occasional customer visits. The applicant further states that there will be no exterior storage of materials or equipment. The motorcycle drawn hearse will be stored in the existing garage on-site when not stored at another off-site location. Staff has proposed a condition of approval limiting exterior storage of materials or equipment.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 11. *The proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official applying the State Building Code.***

The primary use of the structure will remain residential. The structure is not proposed to have a change in use classification or occupancy rating as a result of the home-based business.

Therefore, staff finds that the proposal meets the criterion for approval.

- 12. *The proposed home occupation and associated storage of materials and products shall not occupy more than 700 gross square feet of floor area.***

The applicant has stated that the home occupation will occupy a portion of the residence, two rooms to be used as offices, which are 11 feet by 11 feet, and 11 feet by 12 feet respectively. In addition, there is a small area for storage measuring 4 and ½ feet by 9 feet, and the living room / lobby area of 20 feet by 12 feet. These measurements total 534 square feet within the home. The motorcycle hearse to be stored in the garage, will occupy an area measuring 20 feet by 6 feet (120 square feet). The total amount of gross square feet of floor area being occupied by the home-based business totals 654 square feet, which is less than the maximum of 700 square feet for a home occupation. The measured areas are further shown on the applicant's site plan (Exhibit 1). Staff concurs that the area associated with the home occupation is under 700 square feet. Staff proposes a condition of approval limiting future expansion of the business to 700 square feet.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 13. *The subject property will continue to be used and maintained as a residence and will conform to all requirements of this and other City Codes as they pertain to residential property.***

The applicant states the subject property will continue to be used and maintained as a primary residence, and will continue to conform to all residential requirements. The applicant does not intend to cause the property to change in character or have negative impacts to the surrounding residential properties.

Therefore, staff finds that the proposal meets the criterion for approval.

- 14. *The home occupation, including deliveries from other businesses, shall not include the use of tractor-trailers, forklifts, or similar heavy equipment.***

The applicant states that the proposed home occupation does not require deliveries from other businesses, the use of tractor-trailers, forklifts, or similar heavy equipment at this location. All deliveries requiring the use of the aforementioned equipment will take place at the business's main warehouse location in NE Portland. Staff concurs with the applicant's statement.

Therefore, staff finds that the proposal meets the criterion for approval.

- 15. *There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.***

The applicant states that the home occupation will not create noise, vibration, smoke, dust, heat or glare as a result of its operation. The residence will be used mainly for business related paperwork and occasional meetings with customers. Staff concurs with the applicant's statement. Staff proposes a condition of approval that there shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 16. *There shall be no exterior storage of vehicles of any kind used for the business except that one (1) commercially licensed vehicle, which is not larger than a 3/4 ton pick-up, passenger van, or other vehicle of similar size, may be parked outside on the subject property, provided such parking complies with applicable parking restrictions.***

The applicant has stated that when the motorcycle hears, when stored at the property, will not be stored outside. The trike hearse will either be stored within the garage, within an enclosed trailer, or at the business's off-site location in NE Portland. Other vehicles parked at the residence are personal vehicles of the applicant's family.

Therefore, staff finds that the proposal meets the criterion for approval.

- 17. *The proposal will not involve storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities that involve toxic or flammable materials which in the judgment of the Fire Marshall pose a health or safety risk to the residence, its occupants or surrounding properties.***

The applicant has stated that they will not use or store toxic or flammable materials at the residence associate with the home-based business.

Therefore, staff finds that the proposal meets the criterion for approval.

- 18. *There is no signage associated with the proposed home occupation aside from a name plate as allowed by Section 60.40.15 of this Code.***

The applicant has stated there may be a standard nameplate up to 2 square feet in size, installed in the future. Currently there is no signage associated with the proposed home occupation. Staff proposes a condition of approval that signage associated with the business shall not exceed two square feet.

Therefore, staff finds that the proposal, as conditioned, meets the criterion for approval.

- 19. *Exterior remodeling will not alter the residential character of the building.***

The applicant has indicated remodeling to the residence completed to date have not altered or changed the residential character of the home or created a situation of incompatibility to the surrounding residences. The home will retain its character and primary use as a residence.

Therefore, staff finds that the proposal meets the criterion for approval.

- 20. *Excluding required residential parking, adequate off-street parking exists to accommodate vehicular traffic for any employee, customer, or both.***

The applicant has stated that the existing home and detached garage structures are Permitted uses per the Beaverton Development Code, and were approved as such when originally constructed. The operation of the home-based business, with the approval of the Home Occupation Two application, is consistent with all applicable provisions of Chapter 20 of the Development Code. No Adjustments or Variances are sought or necessary. Staff concur with the applicant.

Therefore, staff finds that the proposal meets the criterion for approval.

- 21. *The proposal is consistent with all applicable provisions of Chapter 20 (Land Uses) unless the applicable provisions are subject to an adjustment, planned unit development, or variance which shall be already approved or considered concurrently with the subject proposal.***

Home Occupations are a permitted use in the R10 zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the R10 zone, and is not subject to Design Review. No Adjustments, Planned Unit Development, or Variances are proposed or necessary.

Therefore, staff finds that the proposal meets the criterion for approval.

- 22. *The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements) and that all improvements, dedications, or both required by the applicable provisions of Chapter 60 (Special Requirements) are provided or can be provided in rough proportion to the identified impact(s) of the proposal.***

The proposal is consistent with all applicable provisions of Chapter 60 (Special Requirements). No exterior modifications are proposed as part of this application. The residential occupancy of the structure will not change due to the proposed home occupation. Off-street parking standards have been met as per the findings for Criterion 20. The site does not contain any protected trees, significant natural resource areas, or other protected areas. No improvements or dedications are required as part of the Home Occupation approval.

Therefore, staff finds that the proposal meets the criterion for approval.

- 23. *The proposal contains all applicable application submittal requirements as specified in Section 50.25.1 of the Development Code.***

All applicable application submittal requirements have been submitted with the Home Occupation application.

Therefore, staff finds that the proposal meets the criterion for approval.

- 24. *Applications and documents related to the request, which will require further City approval, shall be submitted to the City in proper sequence.***

No further applications are necessary with the Home Occupation Two application. Should any future documentation be needed it shall be provided to the City in proper sequence.

Therefore, staff finds that the proposal meets the criterion for approval.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **HO2018-0002 Threadgill's Memorial Services, LLC Home Occupation**, subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR HO2018-0002

1. The home occupation shall be conducted by an occupant of the residence. (Planning Division/SF)
2. The home occupation shall not employ more than one employee or volunteer who is not a resident of the premises. (Planning Division/SF)
3. The proposed home occupation shall participate in and be consistent with the City's Business License Program and other agency licenses as appropriate to the approved use. (Planning Division/SF)
4. The proposed home occupation shall be operated entirely within the dwelling. Additionally the area of the home occupation shall not exceed 700 square feet. (Planning Division/SF)
5. No exterior storage of materials or equipment shall occur on the premises. (Planning Division/SF)
6. The proposed home occupation shall not change the use classification of the dwelling unit or accessory structure, as determined by the City Building Official applying the State Building Code. (Building Division/ TB)
7. The subject property shall continue to be used and maintained as a residence and shall conform to all requirements of this and other City Codes as they pertain to residential property. (Planning Division/SF)
8. There shall be no signage associated with the proposed home occupation other than a two square foot name plate as allowed by Section 60.40.15.4 of the Development Code. (Planning Division/SF)
9. All trash associated with the home occupation shall be stored within the building (residence or detached garage) or within an opaque exterior enclosure. (Planning Division/SF)
10. There shall be no noise, vibration, smoke, dust, odors, heat or glare at or beyond the property line resulting from the operation of the home occupation. (Planning Division/SF)
11. All customers will arrive by appointment only, with a maximum of eight customers per day. (Planning Division/SF)
12. All customer pick-up, drop-off, and parking related to the home occupation will occur on the property using the parking spaces in the driveway. (Planning/SF)
13. There shall be no deliveries or pick-up related to the home occupation between the hours of 6:00 pm to 8:00 am, with the exception of USPS, UPS, FedEx, Amazon or similar parcel delivery companies. (Planning Division/SF).
14. The proposed home occupation operation shall be limited to the hours of 9:00 am to 5:00 pm, Monday through Friday, by appointment only on Saturdays, and closed on Sundays.

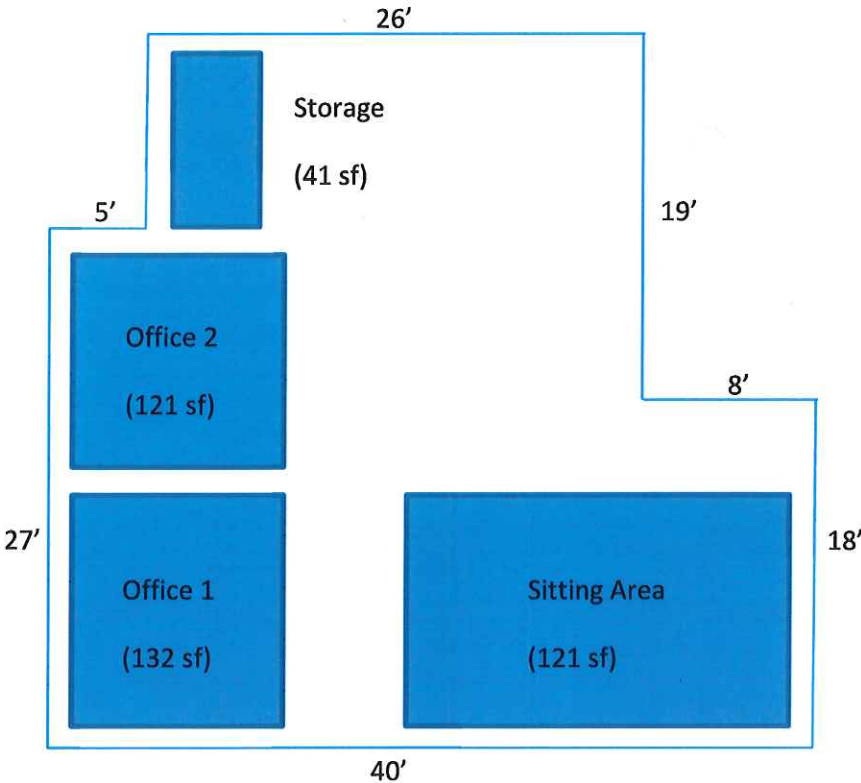
Threadgill Memorial Home Occupation Site Plan

Figure 1, General Location



Figure 2, House Plan, Lower Level

(Note: hallways, bathrooms, and other areas of the residence not included in the home-based business are not shown.)



RECEIVED
CITY OF BEAVERTON

SEP 24 2018

Beaverton
O R E G O N

COMMUNITY DEVELOPMENT

Community Development Department
Planning Division
12725 SW Millikan Way /PO Box 4755
Beaverton, OR 97076
General Information: (503) 526-2222 V/TDD
www.BeavertonOregon.gov

TYPE 2 NOTICE OF DEVELOPMENT PROPOSAL

Project Name:	THREADGILL'S MEMORIAL SERVICES, LLC
Case File No.:	<u>HO2018-0002</u>
Summary of Application:	The applicant Best Strategies, Inc., dba Threadgill's Memorial Services, LLC, is seeking Home Occupation Two approval to a home office for funeral and cremation services. The scope of services include consultation and related paperwork, with occasional pickup and delivery. All other related services occur on the company's website, and off-site at the company's warehouse and showroom facility in Northeast Portland, 4835 NE Pacific Street, in addition to churches, cemeteries or parks where services are held. No exterior site modifications are proposed. The applicant states there will be only occasional customer visits to the home. One employee lives in the home.
Project Location:	The subject site is located at 9520 SW Duncan Lane, Tax Lot 02000 of Washington County Tax Assessor's Map 1S114BD.
Zoning & NAC:	Residential – Urban Low Density (R10) Denney Whitford / Raleigh West
Applicable Criteria:	Development Code Section: • 40.40.15.2 Home Occupation Two
Due Date for Written Comments:	No later than 4:30 PM, Wednesday, October 3, 2018
Staff Contact:	Sandra Freund (503) 526-3718 / sfreund@beavertonoregon.gov

Mailed written comments shall be sent to the attention of Sandra Freund, AICP, Planning Division, PO Box 4755, Beaverton, OR 97076. To be made a part of the record, correspondence needs to be received by Wednesday, October 3, 2018. Written comments submitted in person shall be delivered to the Planning Division, 4th Floor, the Beaverton Building, 12725 SW Millikan Way, between the hours of 7:30 am and 4:30 pm, Monday through Friday, except holidays. Please reference the Case File Number and Project Name in your written comments.

No-No-No — Duncan Lane has been encroached by business on all four sides. The traffic has increased and become more dangerous for pedestrians and children playing - Please