



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: December 19, 2022
Subject: **Notice of Decision for HO2022-0001 World Wide Wines**

Please find attached the notice of decision for **HO2022-0001 World Wide Wines**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for HO2022-0001 World Wide Wines 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 HO2022-0001 World Wide Wines is 4:30 p.m., January 2, 2023.

The complete case files including findings, conclusions, and conditions of approval, if any, are available for review. For more information or to view the case file, please contact Josef Judy, Assistant Planner, at (503) 350-3638 or jjudy@beavertonoregon.gov

STAFF REPORT

DATE: December 19, 2022

TO: All Interested Parties

FROM: Josef Judy, Assistant Planner

PROPOSAL: HO2022-0001 World Wide Wines

LOCATION: 525 NW 180th Avenue
Beaverton, OR 97006
Tax Lot 1S127CD of Washington County Map 08500

SUMMARY: The applicant, Keith Westrum, the owner of World Wide Wines, LLC, is seeking approval for a Home Occupation Two permit to sell wine within an existing residential home. The existing home on the site will continue to serve as the primary residence. The owner will be the only employee to work on the site.

APPLICANT/
PROPERTY OWNER: Keith Westrum
525 NW 180th Avenue.
Beaverton, OR 97006

DECISION: **APPROVAL of HO2022-0001 – World Wide Wines Home Occupation**, subject to conditions identified at the end of this report.

BACKGROUND FACTS

Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day</u>	<u>365-Day*</u>
HO2022-0001	May 12, 2022	October 20, 2022	February 17, 2023	October 20, 2023

* 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	(RMB) Residential Mixed B	
Current Development	Single Family Residential	
Site Size	0.17 acres	
NAC	Five Oaks/Triple Creek	
Surrounding Zoning and Uses	<u>Zoning:</u> North: (RMB) Residential Mixed B South: (RMB) Residential Mixed B East: (RMB) Residential Mixed B West: (RMB) Residential Mixed B	<u>Uses:</u> North: Single Detached Home South: Single Detached Home East: Single Detached Home West: Single Detached Home

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1.1 Approved Plans	
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<u>Exhibit 2: Public Comment</u>	
2.1 Email from David and Gretchen Schmidt dated November 6, 2022	
2.2 Email from Jessica and John Leitner dated November 7, 2022	
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2.4 Email from Ali Jack dated November 14, 2022	
2.5 Email from Lee and Jolene Urban dated November 19, 2022	
2.6 Email from Victoria Mead dated November 20, 2022	
2.7 Email from anonymous dated November 23, 2022	

ANALYSIS AND FINDINGS FOR
HOME OCCUPATION TWO APPROVAL
HO2022-0001 – World Wide Wines Home Occupation

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 lists the criteria in order to approve a Home Occupation 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 Wine Sales business in their private residence. Customers may visit the site to pick up already purchased merchandise.

Threshold 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 \$779.36 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 applicant's proposal doesn't include any outside volunteers or employees. The only employee of the Home Occupation is the owner/occupant of the property, Keith Westrum.

Therefore, staff finds the proposal 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's proposal states one (1) to eight (8) customers may arrive to pick up already purchased merchandise. The applicant states that the interaction will be for a brief exchange of goods. There is no browsing of merchandise at the location, and the applicant states that most of the business will be processed online.

Therefore, staff finds that the proposal 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 customers will arrive to only pick up already purchased merchandise, and will only occur only between the hours of 7:00 a.m. and 10:00 p.m.

Therefore, staff finds that the proposal 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 applicant states, there is an existing (24-foot (depth) x 27.5-foot (width) driveway which can accommodate two vehicles. The driveway leads to a two-car garage. The applicant proposes that customers will park on the driveway spaces on site in front of the garage

Therefore, staff finds that the proposal 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.*

Deliveries will be requested between the hours of 8:00 am and 6:00 pm. The applicant states expected trips from deliveries or pick up to not exceed two (2) per day; however, more likely to be fewer than four (4) per week. The applicant states that all outbound shipping will be handled off site. Staff is satisfied that the proposed business does not exceed the maximum allowed deliveries 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 states that the proposed home occupation is being undertaken by Keith Westrum, owner and occupant of the residence. There will not be any additional employees of the home occupation.

Therefore, staff finds that the proposal 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 World Wide Wines has applied for a Business License. As a condition of approval (Condition No. 1), the applicant will complete the Business License application process and continue to maintain an active City of Beaverton Business License. The applicant has provided an off-premises sales OLCC certificate for World Wide Wines. (Exhibit 1.2)

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 proposes the storage of merchandise inside of the existing garage. Furthermore, the applicant states that all administrative operations related to the home occupation will occur within the existing floor space of the residence, as seen on the approved plans (Exhibit 1.1).

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

11. ***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 proposes a total of 69 square feet to be used for the storage and pick up of merchandise inside of the existing garage, as seen on the approved plans (Exhibit 1.1). The applicant has stated that online administrative functions will be handled inside of the residence in a home office setting.

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

12. ***The subject property will continue to be used and maintained as a residence and the proposed home occupation will not change the use classification of the dwelling unit or accessory structures as determined by the City Building Official. The Proposal will conform to all requirements of this and other City Codes as they pertain to residential property.***

The primary use of the structure will remain residential. The structure will not result in a change in use classification or occupancy rating.

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

13. ***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 using tractor-trailers, fork lifts, or similar heavy equipment. Deliveries for the home occupation will occur via standard residential delivery. Staff concurs that the proposed activity does not require the use of heavy equipment.

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

- 14. *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 create no noise, vibration, smoke, dust, heat or glare beyond the property line as a result of its operation. Staff concurs with the applicant's statement.

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

- 15. *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 the proposed home occupation has no commercial vehicles associated with the use. Staff agrees that the scope of activities proposed do not require any commercial vehicles.

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

- 16. *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. Staff concurs that the proposed Home Occupation 2 to sell wine from the existing residence will not involve the storage or distribution of toxic or flammable materials.

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

- 17. *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 not proposed a sign as part of the home occupation. Any potential signage must adhere to the requirements of BDC Chapter 60.40 and will be reviewed beyond the scope of this Home Occupation 2 request.

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

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

The applicant is not proposing any changes to the site. The residential character of the existing home will not be altered.

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

- 19. *Excluding required residential parking, adequate off-street parking exists to***

accommodate vehicular traffic for any employee, customer, or both.

The applicant has provided a site plan demonstrating the presence of a driveway of adequate size to accommodate two vehicles parked on-site and a two-car garage, demonstrating that a total of four (4) off-street parking spaces exist on site. One parking space is required to support the residence; therefore, the additional on-site parking spaces can support the home occupation use.

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

- 20. *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 RMB zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the RMB zone. No adjustments, planned unit developments or variances are proposed or necessary.

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

- 21. *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). 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 right-of-way improvements or dedications are required as part of the Home Occupation approval.

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

- 22. *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.

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

The applicant has agreed to submit any applications and documents related to the Home Occupation Two permit as required. Staff asserts there is no additional documentation required at this time.

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

SUMMARY OF PUBLIC COMMENT

Public comments outlined concerns regarding allowing commercial activity in a residential zone, traffic impacts and safety, whether alcohol sales is a permitted use in the zone, and whether consumption would take place on site.

STAFF RESPONSE

Section 20.05.20.A.2.H lists the Home Occupation land use as permitted outright in the RMB zoning district. The primary use of the site will remain a dwelling for the owner and occupant.

Traffic impacts and safety were reviewed by staff and found that the expected impact from the home occupation use does not necessitate further review.

The applicant has stated in the application materials that no consumption will take place on site. Customers will only arrive to the site for pick up of merchandise.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **HO2020-0002 World Wide Wines Home Occupation**, subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR HO2022-0001

1. 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/JJ)
2. All activity shall be carried out in accordance with the plans dated stamped as approved by the Director on December 19, 2022 which can be found on file at City Hall (Planning Division/JJ).