



MEMORANDUM

City of Beaverton

Community Development Department

To: Interested Parties
From: City of Beaverton Planning Division
Date: April 14, 2020
Subject: **Notice of Decision for HO2020-0001 White Lotus Healing Spa**

Please find attached the notice of decision for **HO2020-0001 White Lotus Healing Spa**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for HO2020-0001 White Lotus Healing Spa 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 HO2020-0001 White Lotus Healing Spa is 4:30 p.m., April 27, 2020.

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 Brett Cannon, Assistant Planner, at (503) 350-4038 or bcannon@beavertonoregon.gov



STAFF REPORT

DATE: April 13, 2020

TO: All Interested Parties

FROM: Brett Cannon, Assistant Planner

PROPOSAL: HO2020-0001 White Lotus Healing Spa

LOCATION: 17490 NW Autumn Ridge Drive
Beaverton, OR 97006
Tax Lot 07000 of Washington County Map 1N131AC

SUMMARY: The applicant requests Type Two Home Occupation approval for a healing spa specializing in skincare consulting, facials, peels and hypnotherapy relaxation in a detached single-family residence in a residential zone (R7). There will be one customer at a time by appointment only and there will be no more than 3 clients per day. There will be no employees other than the homeowner, and will operate within the hours of 9:00am and 5:00pm, Monday through Sunday.

APPLICANT/
PROPERTY OWNER: Patricia Barnett
17490 NW Autumn Ridge
Beaverton, OR 97006

DECISION: **APPROVAL of HO2020-0001 – White Lotus Healing Spa 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>
HO2020-0001	February 4, 2020	February 26, 2020	June 25, 2020	February 25, 2021

* 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	(R7) Residential Urban Standard Density 7,000	
Current Development	Single Family Residential	
Site Size	0.18 acres	
NAC	Five Oaks/Triple Creek	
Surrounding Zoning and Uses	<u>Zoning:</u> North: Urban Standard Density (R7) South: Urban Standard Density (R7) East: Urban Standard Density (R7) West: Urban Standard Density (R7)	<u>Uses:</u> North: Single Family Residential South: Open Space/Greenway East: Single Family Residential West: Single Family Residential

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<u>Exhibit 1:</u> Applicant Materials (On File at City Hall)	
1.1 Floor Plan	
1.2 Business License Application	
<u>Exhibit 2:</u> Public Comments	
2.1 Letter from Michael and Leslie Janin, dated March 18, 2020.	
2.2 Letter from Scott Thomas, dated March 30, 2020 (received after public comment period expired and is not addressed in this report).	

**ANALYSIS AND FINDINGS FOR
HOME OCCUPATION TWO APPROVAL
HO2020-0001 – White Lotus Healing Spa 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 spa business in their private residence. Customers will visit the site by appointment.

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 \$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.***

Staff received public comment describing customer reviews on the White Lotus Healing Spa website indicating additional employees work at White Lotus Healing Spa. In response, the applicant states current business operations changed at the end of January 2020 and is now limited to one employee, Patricia Barnett, owner and

occupant of the residence. The proposed business is permitted to have one employee, who is not a resident. Staff finds the applicant's proposal does not exceed the maximum employees allowed and therefore meets the approval criterion. To ensure that in the future, the applicant does not exceed the additional employee permitted with this application, staff proposes a condition of approval (Condition No. 2) that no more than one employee living outside the residence shall be employed for this business.

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.*

Staff received public comment concerning the amount of customers visiting White Lotus Healing Spa. In response, the applicant's proposal states only three customers are proposed in one day and further states additional persons visiting the home were friends of the applicant and not part of the business. Staff recognizes that not all persons visiting the residence will be clients of White Lotus Healing Spa and that the applicant is able to have visitors to the residence not associated with the business. However, in the applicants narrative received by staff on February 25, 2020, the applicant states customers will arrive by appointment only, and have no more than three daily customers below the maximum number of customers permitted. To ensure that in the future, the applicant does not exceed the maximum number of customers permitted with this application, staff proposes a condition of approval (Condition No. 12) that all customers will arrive by appointment only, with a maximum of eight customers per day.

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 customers will arrive by appointment only, and will only occur only between the hours of 9:00 a.m. and 5:00 p.m. Staff proposes a condition of approval (Condition No. 4) that the home occupation operation shall be limited to the hours of 9:00 a.m. to 5:00 p.m.

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 applicant states, there is an existing driveway leading to the garage, dimensions of which will fit two cars (21'x24'). Client and customer parking will utilize the driveway space on site in front of the garage. Staff proposes a condition of approval (Condition No. 13) that 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.

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 U.S. Postal Service will deliver mail on a daily basis. The applicant states there will be no additional deliveries to the home as a result of the home occupation between the hours of 6:00 p.m. and 8:00 a.m. 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 states that the proposed home occupation is being undertaken by Patricia Barnett, 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 White Lotus Healing Spa has applied for a Business License, (Exhibit 1.2). Staff confirms that this Business License application is accurate. As a condition of approval (Condition No. 3), the applicant will complete the Business License application process and 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.***

Public testimony raised concern about clients of the White Lotus Healing Spa entering the business using a path on the applicant's property, that is located between the residence at 17504 NW Autumn Ridge Drive and the west side of the applicants residence located at 17490 NW Autumn Ridge Drive. The occupants at 17504 NW Autumn Ridge are specifically concerned about privacy related to clients of the spa having the ability to see into a window located on their family room wall. The applicant states that the pathway is used only for clients to enter the business and has planted bamboo to act as screening. Furthermore, the applicant states that all operations related to the home occupation will occur in the wholly within the existing floor space of the residence, as seen on the floor plan (Exhibit 1.1).

Therefore, staff finds that the proposal 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.

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 internal floor area dimensioned at 28'4" by 19.3", or approximately 547 square feet. This area is further shown on the applicant's floor plan (Exhibit 1.1). Staff concurs that the area associated with the home occupation is under 700 square feet. Staff proposes a condition of approval (Condition No. 5) limiting any 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 that the subject property will continue to be used and maintained as a residence.

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 using tractor-trailers, fork lifts, or similar heavy equipment. Deliveries for the home occupation occur via regular residential delivery such as USPS, UPS, or FedEx. Staff concurs that the salon service proposed does not require the use of heavy equipment.

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 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. Staff proposes a condition of approval (Condition No. 11) 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 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.

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. Staff proposes a condition of approval (Condition No. 15) that no toxic or flammable materials are allowed on site as part of the home occupation.

Therefore, staff finds that the proposal, as conditioned, 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 that the sign for the business will not exceed the allowable two square foot name plate. Staff proposes a condition of approval (Condition No. 9) that the 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.***

There are no changes proposed to the exterior of the residence. The house will retain its residential 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 provided site plan demonstrating the presence of a driveway wide and long enough to support two vehicles parked on-site. One parking space is required to support the residence; therefore, the additional on-site parking space is for the use of the residential and home occupation uses.

Staff received public testimony indicating concern about the amount of vehicles/clients visiting White Lotus Healing Spa. The applicant has stated that customer visits are by appointment only, which give the applicant control of when customers visit. To ensure only the parking space is available to clients of the home occupation, staff proposes a condition of approval (Condition No. 16) that appointments are scheduled with enough time in between the end of one and the beginning of the next to ensure there are never two clients on site at the same time. Therefore, staff agrees, as conditioned, one parking space in the driveway will be sufficient to support the proposal.

Therefore, staff finds that the proposal, as conditioned, 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 R7 zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the R7 zone. No adjustments, planned unit developments 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). 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.***

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.

RECOMMENDATION

Based on the facts and findings presented, staff recommends **APPROVAL** of **HO2020-0001 White Lotus Healing Spa Home Occupation**, subject to the applicable conditions identified in Attachment B.

CONDITIONS OF APPROVAL FOR HO2020-0001

1. The home occupation shall be conducted by an occupant of the residence. (Planning Division/BDC)
2. The home occupation shall have no more than one employee who is not a resident of the premises. (Planning Division/BDC)
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/BDC)
4. The proposed home occupation operation shall be limited to the hours of 9:00 a.m. to 5:00 p.m. (Planning Division/BDC)
5. The proposed home occupation shall be operated entirely within the dwelling. The area of the home occupation shall not exceed 700 square feet. (Planning Division/BDC)
6. No exterior storage of materials or equipment shall occur on the premises. (Planning Division/BDC)
7. 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)
8. 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/BDC)
9. 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/BDC)
10. The site shall be kept clean at all times and all trash associated with the home occupation shall be stored within the building or within an opaque exterior enclosure. (Planning Division/BDC)
11. 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/BDC)
12. All customers will arrive by appointment only, with a maximum of eight customers per day. (Planning Division/BDC)
13. 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. This includes idling cars as well as those parked and unoccupied. (Planning Division/BDC)
14. The business owner shall direct the clients and associated with the business to use the waiting area inside the home. (Planning Division/BDC)
15. No storage or distribution of toxic or flammable materials, spray painting or spray finishing operations, or similar activities involving toxic or flammable materials shall occur on site. (Planning Division/BDC)

16. Appointments shall be scheduled to ensure no two clients are at the premise at the same time. (Planning Division/BDC)