



## MEMORANDUM City of Beaverton

Community Development Department

**To:** Interested Parties  
**From:** City of Beaverton Planning Division  
**Date:** April 26, 2023  
**Subject:** Notice of Decision for HO2023-0002 Heartflow Healing LLC

Please find attached the notice of decision for **HO2023-0002 Heartflow Healing LLC**. Pursuant to Section 50.40.11.E of the Beaverton Development Code, the decision for **HO2023-0002 Heartflow Healing LLC** 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 HO2023-0002 Heartflow Healing LLC is 4:30 p.m., May 8, 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 Steven Okey, Planning Technician, at (503) 350-4026 or [sokey@beavertonoregon.gov](mailto:sokey@beavertonoregon.gov).

NOTE: The Community Development Department is currently open to the public on a limited basis, Monday through Thursday from 8:30 a.m. to 4:30 p.m. Please note that the Community Development Department is not open to the public on Fridays at this time. Staff recommends visiting <https://www.beavertonoregon.gov/183/Community-Development> for the most up-to-date information about in-person and virtual services.

Accessibility Information: This information can be made available in large print or audio tape upon request. Assistive listening devices, sign language interpreters, or qualified bilingual interpreters can be made available at any public meeting or program with 72 hours advance notice. To request these services, contact Steven Okey by calling (503) 350-4026 or email [sokey@beavertonoregon.gov](mailto:sokey@beavertonoregon.gov).



## STAFF REPORT

DATE: April 26, 2023

TO: All Interested Parties

FROM: Steven Okey, Planning Technician

PROPOSAL: HO2023-0002 Heartflow Healing LLC

LOCATION: 7300 SW 101<sup>st</sup> Avenue  
Beaverton, OR 97008  
Tax Lot 1S123CB of Washington County Map 04500

ZONING & NAC Residential Mixed C (RMC) and Denney Whitford/Raleigh West

SUMMARY: The applicant, Laura Salvatore, owner of Heartflow Healing, LLC, is seeking Home Occupation Two approval to operate an acupuncture, herbal medicine, and bodywork practice in an existing residential home. The existing home on the site will continue to serve as the applicant's primary residence. The applicant will be the only employee to work on the site. There will be one customer at a time by appointment only and there will be no more than six (6) clients per day. There will be no employees other than the homeowner who will operate the business within the hours of 10:00am and 6:00pm.

APPLICANT: Laura Salvatore  
7300 SW 101<sup>st</sup> Avenue  
Beaverton, OR 97008

PROPERTY OWNER: Peter Salvatore  
3751 N Main Street  
Soquel, CA 95073

DECISION: **APPROVAL of HO2023-0002 Heartflow Healing LLC,**  
subject to conditions identified at the end of this report.

# APPLICATION INFORMATION

## Key Application Dates

<u>Application</u>	<u>Submittal Date</u>	<u>Deemed Complete</u>	<u>120-Day</u>	<u>365-Day*</u>
HO2023-0002	March 1, 2023	March 14, 2023	July 12, 2023	March 13, 2024

\* 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

<b>Zoning</b>	(RMC) Residential Mixed C	
<b>Current Development</b>	Single-Detached Residential	
<b>Site Size</b>	0.17 acres	
<b>NAC</b>	Denny Whitford / Raleigh West	
<b>Surrounding Zoning and Uses</b>	<u>Zoning:</u> North: (RMC) Residential Mixed C South: (RMC) Residential Mixed C East: (RMC) Residential Mixed C West: (RMC) Residential Mixed C	<u>Uses:</u> North: Single-Detached Residential South: Single-Detached Residential East: Single-Detached Residential West: Single-Detached Residential

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## Exhibits

### Exhibit 1. Applicant Materials (On File at City Hall)

Exhibit 1.1 Site Plan

Exhibit 1.2 Applicant Narrative

Exhibit 1.3 Application Form

### Exhibit 2. Public Comment

2.1 Emails from Jennifer Bach dated March 20, 2023, and March 22, 2023, including staff response dated March 21, 2023. Comments dated March 22, 2023, confirm that initial concerns about the proposal have been resolved.

# ATTACHMENT A

## ANALYSIS AND FINDINGS FOR HOME OCCUPATION TWO APPROVAL HO2023-0002 Heartflow Healing LLC

### **Section 40.40.05 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 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 an acupuncture, herbal medicine, and bodywork practice in an existing residential home. Customers will visit the site by appointment. Staff finds that the proposal satisfies Home Occupation Two application threshold 1 which reads:

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 \$2,042.25 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 does not include any outside volunteers or employees. The only employee of the home occupation is the resident of the property, Laura Salvatore.

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

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

The applicant's proposal states that they will treat a maximum of six (6) patients per day by appointment only. 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. 1) that all customers will arrive by appointment only, with a maximum of eight customers per day.

**Therefore, staff finds that by meeting the conditions of approval, 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 they will be treating patients by appointment only between the hours of 10:00 a.m. and 6:00 p.m. Staff finds that the proposed home occupation operation shall be limited to 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 four 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 no need for any additional parking on the premise, as only one vehicle will be coming to the home at a time for the home occupation use. The site currently provides four total on-site parking spaces, two spaces in the existing garage and two spaces in the driveway. As demonstrated on the provided site plan (Exhibit 1.1), the existing parking spaces, driveway, and street access comply with the Development Code and other city standards. Landscaping, storm water drainage, and screening requirements are not applicable under the scope of the Home Occupation proposal.

**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.***

The applicant states the proposed home occupation does not require any deliveries or pick-ups outside of regular U.S. Postal Service delivery. Staff finds that the proposed business will 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 Laura Salvatore, occupant of the residence. There will not be any additional employees of the home occupation. Staff finds that the proposed home occupation is being undertaken by Laura Salvatore, occupant of the residence.

**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 Heartflow Healing LLC has obtained a City of Beaverton Business License #35311 as well as their Acupuncture License, #AC208045, issued by the Oregon Medical Board. As a condition of approval (Condition No. 2), 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 the proposed practice will be conducted entirely within an existing bedroom in the residence. One linen closet will be used for the storage of supplies related to the home occupation. One bathroom will be made available for patient use. There will be no exterior storage of materials or equipment. Furthermore, the applicant states that all operations related to the home occupation will occur wholly within the existing floor space of the residence, as seen on the approved plans (Exhibit 1.1). Staff finds that the proposed home occupation will be conducted entirely within the dwelling with no exterior storage of materials or equipment.

**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 has stated that the home occupation will occupy an internal floor area of approximately 179 square feet. This area is comprised of a bedroom and linen closet, as shown on the applicant's approved plans (Exhibit 1.1). Staff concurs that the area associated with the home occupation is under 700 gross square feet.

**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 applicant states that the primary use of the structure will remain residential. The home occupation will not change the use classification or occupancy rating of the dwelling. Therefore, staff finds that the proposal can conform to all requirements of this Code and other city codes as they pertain to residential property.

**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 the use of any large equipment or deliveries from other businesses using tractor-trailers, forklifts, or similar heavy equipment. Staff finds that the scope of activities proposed does not require any use of tractor-trailers, forklifts, or similar 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 as all activity is proposed to be indoors.

**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 does not require the use and/or storage of commercially licensed vehicles. Therefore, no such vehicle will be parked outside on the property. Staff agrees that the scope of activities proposed does 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 be utilizing, storing, nor distributing any toxic or flammable materials. Staff finds that the proposed home occupation will not be utilizing, storing, nor distributing any 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 stated that there will be no signage or name plate associated with the proposed home occupation.

**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 states that no structural changes or exterior remodeling will be required in association with the home occupation. Further, the applicant's plans (Exhibit 1.1) demonstrate that all business activity will be limited to a bedroom and linen closet within the existing dwelling. Should the applicant choose to undertake exterior remodeling of the residence in the future, this work would be subject to Single-Detached and Middle Housing Design Review per BDC 40.21 at that time.

**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 that the existing driveway provides two 8.5-foot-wide by 18.5-foot-deep off-street parking spaces in addition to the existing two-car attached garage. Therefore, four off-street parking spaces exist on site. One parking space is required to support the residence per BDC 60.30.10.5.A, so the three remaining on-site parking spaces can support residential and home occupation uses.

**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 RMC zone. The existing dwelling in which the home occupation will take place is consistent with all applicable site development standards for the RMC 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). Off-street parking standards have been met, as described in the findings for Criterion 19. The proposal does not include exterior modifications to the dwelling or site, and no 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 Two 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.***

Based on the scope of work of this proposal, there are no applications or documents related to this request that will require further City approval. Because of this, staff finds that no additional documentation is 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 **HO2023-0002 Heartflow Healing LLC**, subject to the conditions of approval identified in Attachment B.

# ATTACHMENT B

## **CONDITIONS OF APPROVAL** **HO2023-0002 HEARTFLOW HEALING LLC**

1. All customers will arrive by appointment only, with a maximum of eight customers per day. (Planning Division/SO).
2. 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/SO)
3. All activity shall be carried out in accordance with the plans and narrative stamped as approved by the Director on April 26, 2023, which can be found on file at City Hall (Planning Division/SO).