
Hood River City Council
211 Second St.
Hood River, OR 97031
(541) 386-1488
www.cityofhoodriver.gov

Tuesday, October 13, 2020

AGENDA

6:00 p.m.

	Kate McBride, Mayor	
Councilors:	Mark Zanmiller (President)	Megan Saunders
	Jessica Metta	Erick Haynie
		Tim Counihan
		Gladys Rivera

All public meeting locations are accessible. Please let the City Recorder know if you will need any special accommodations to attend any meeting. Call (541) 387-5212 for more information. Oregon Relay Service 1-800-735-2900

The City of Hood River is taking steps to limit exposure and spread of COVID-19 (novel coronavirus). In support of state and federal guidelines for social distancing, the City of Hood River will hold this meeting by using Zoom Conferencing.

Please use the following phone number or video link:

<https://us02web.zoom.us/j/81654410013>

(253) 215 8782

Meeting ID: 816 5441 0013

Members of City Council and City staff will participate by Zoom, they will not be on site at City Hall during the meeting. The audio recording of the meeting will be posted shortly after the meeting on the City's website. Please check the City's website for the most current status of planned public meetings.

<https://cityofhoodriver.gov/administration/meetings/>

I CALL TO ORDER – Cell Phone Reminder

II BUSINESS FROM THE AUDIENCE

The Hood River City Council encourages community members to talk about issues important to them. If you wish to speak during "Business from the Audience", there are two options to choose from:

1. Submit written comments to the City Recorder at j.gray@cityofhoodriver.gov by Tuesday, October 13, no later than 12 noon in order to distribute to the City Council in one packet for review by 3pm. All comments will be added to the record.
2. To address Council during Business for the Audience, email the request (name of speaker and topic) to j.gray@cityofhoodriver.gov by Tuesday, October 13, no later than 12 noon. Please specify the topic your testimony addresses. Testimony will go in order of requests received. Attendees that have registered will be unmuted by the IT Administrator for 3 minutes to address Council. Public comment will be by audio only. At the Mayors discretion, public comments may be received prior to a specific topic of relevance during the meeting.

WORK SESSION

III OPEN WORK SESSION

IV AGENDA ADDITIONS OR CORRECTIONS

V DISCUSSION ITEMS

VI ADJOURN WORK SESSION

REGULAR COUNCIL MEETING

I OPEN REGULAR COUNCIL MEETING

II AGENDA ADDITIONS OR CORRECTIONS

III CONSENT AGENDA

These items are considered routine and/or have been discussed by Council in Work Session. They will be adopted by one motion unless a Councilor or person in the audience requests, before the vote on the motion, to have an item considered at its regular place on the agenda.

- | | |
|--|-------------|
| 1. Fee in lieu - Resolution 2020-18 | Pages 3-5 |
| 2. Vehicle Purchase – Dump Truck, M. Janeck | Pages 6-28 |
| 3. Change Order Waterfront Storm Sewer Project, M. Janeck | Pages 29-34 |
| 4. OLCC Permit Application Approval – Patco Brands | Pages 35-37 |
| 5. Change Order Third and Industrial Waterline Repairs, W. Seaborn | Pages 38-39 |

IV REGULAR BUSINESS ITEMS

- | | |
|--|---------------|
| 1. Notice of Appeal Denial of Variance - Irwin;
File No. 2020-14/IRWIN, J. Kaden | Pages 40-165 |
| 2. ODOT Cascade/Rand Presentation and Resolution 2020-17,
M. Janeck, W. Seaborn | Pages 166-191 |
| 3. Waterfront Stormwater Line Financing – Resolution 2020-16,
W. Norris, W. Seaborn | Pages 192-199 |
| 4. Bi-State Working Group Memorandum of Understanding, R. Fuller | Pages 200-207 |

V REPORT OF OFFICERS

- | | |
|--|---------------|
| A. Department Heads | |
| 1. Planning Commission Vacancy and Recruitment, D. Nilsen | |
| B. City Recorder | Pages 208-214 |
| 1. Reading of Ordinance 2056 (Historic Buildings) for the first time by title only | |

VI MAYOR

- | | |
|---|---------------|
| 1. Indigenous Peoples Day - Resolution 2020-19 | Pages 215-216 |
| 2. Letter of Support for Historic Highway Project | Pages 217-218 |

VII COUNCIL CALL

VIII ADJOURN REGULAR MEETING

CITY COUNCIL WORKSHOP COVER SHEET

Meeting Date: October 13th, 2020

To: City Council

From: Dustin Nilsen, Director of Planning

Subject: Resolution 2020-18 A Resolution Revising the "In Lieu Parking Fee" for uses in the Central Business District, Waterfront Business District and the Heights Business District collected pursuant to HRMC Chapter 17.24.

Background:

At the conclusion of its September 28th, 2020 hearing, Council directed staff to place an ordinance on its next agenda to revise the City's In-Lieu Parking Fee regulations which are found in Title 17 of the Hood River Municipal Code (HRMC). HRMC 17.24 states that the In-Lieu Parking Fee is set by resolution of the City Council and the Council shall review the amount on at least an annual basis.

To accompany Ordinance 2056 and to revise the In-Lieu Parking Fee based on recommendations from Rick Williams Consulting and the Hood River Planning Commission, staff has prepared Resolution 2020-18, which sets the In-Lieu Parking fee at \$3,000 per space for residential and commercial development.

Staff Recommendation:

Staff recommends Council approve Resolution 2020-18.

Suggested Motion:

I move to approve Resolution 2020-18.

Alternatives:

I move to approve Resolution 2020-18 as amended.

Fiscal Impact:

As provided in the accompanying legislative ordinance, staff estimates the total downtown residential potential in existing Historic Buildings between 50-100 units. If fully utilized by downtown property owners, this will generate up to \$150,000 to \$300,000. This revenue will accrue over a several decades and be adjusted for inflation consistent with City of Hood River financial policies.

Environmental Impact:

There is no adverse environmental impact to adaptive reuse of existing structures, reducing parking requirements, or improved code clarity.

Attachments:

Resolution 2020-18

City of Hood River, Oregon

Resolution No. 2020-18

A Resolution Revising the “In Lieu Parking Fee” for uses in the Central Business District, Waterfront Business District and the Heights Business District collected pursuant to HRMC Chapter 17.24.

The City Council for the City of Hood River adopts the following findings:

WHEREAS, the various base zones set forth in Title 17 (Zoning) in the Hood River Municipal Code (HRMC) require certain minimum number of vehicle parking spaces for various uses and developments constructed in those base zones; and

WHEREAS, HRMC Chapter 17.24 (In-Lieu Parking Fee) allows a developer to pay a set fee per parking space in lieu of constructing all or some of the parking spaces required by the base zone to serve new development; and

WHEREAS, the City Council adopted an initial schedule of in-lieu fees for parking under different development situations in Resolution 2007-05, which it subsequently amended, most recently in Resolution No. 2017-18, (FY 17-18 Consolidated Fee Schedule), in which the Council set the in-lieu parking fee for development in the three primary commercial districts in the city (Central Business District, Waterfront Business District, and the Heights Business District); and

WHEREAS, in 2019 City conducted a downtown parking study to analyze parking management strategies and forecasted needs relating to future parking supply and usage downtown; and

WHEREAS, the City Council desires to facilitate residential development and the reuse of historic buildings in its primary commercial districts and to not exacerbate the parking shortage in these areas; and

WHEREAS, to achieve these policy objectives, the City Council considered various proposals to replace the fee in lieu of parking during 2019 and at the Council’s regular meetings on September 28th heard the Planning Commission recommendation to approve amendments to its parking rates and in lieu parking fee consistent with its findings and the 2019 Parking Study; and

WHEREAS, at the conclusion of its September 28th, 2020 meeting, a majority of the Council favored a reduced in-lieu parking fee of \$3,000 per space for new residential and commercial development in the City’s commercial districts.

NOW, THEREFORE, BE IT RESOLVED by the Hood River City Council that:

1. Amendment. Resolution No. 2017-18 is hereby amended with regard to the “PARKING IN LIEU” fee for the Central Business District, Waterfront Business District, and Heights Business District, which shall be amended to read as follows:

In-Lieu Parking Fee residential and commercial development in the Central Business District, Waterfront Business District, and Heights Business District pursuant to HRMC 17.24.010 is \$3,000 per required parking space.

2. Allocation of fees Collected. Fees collected pursuant to this resolution shall be deposited into a dedicated fund to be used for the development and provision of public parking facilities,

consistent with HRMC 17.24.010(B).

Approved and Effective this ____ day of _____ 2020 by the Hood River City Council.

Kate McBride, Mayor

Attest:

Approved as to form:

Jennifer Gray, City Recorder

Daniel Kearns, City Attorney

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and Members of the City Council

From: Mark Janeck, Director of Public Works

Subject: Purchase of new 2020 International Single Axel Dump Truck

Background: The City's fleet includes three single axel, four wheel drive, 5 yard dump trucks. These vehicles are used for soil and debris hauling as well as represent the City's main snow plow vehicles during the winter months. The vehicle proposed to be replaced was purchased in 2005, has surpassed its useful life as a plow truck, and is budgeted and scheduled for replacement through the City's vehicle replacement program. Historically, dump trucks have followed a replacement schedule of 10-12 years, but staff improvements in specifying certain options and materials during the ordering process, enhanced preventive maintenance, and careful annual evaluations, have added additional years of use in a safe and economical way.

The new dump truck will be more energy efficient and require less maintenance. Public Works fleet personnel are satisfied with the operations and design improvements relative to International dump trucks.

The City will be purchasing this vehicle based on a contract price obtained by McCoy Freightliner through the Department of Administrative Services PA5560, a State contracting agency that facilitates the competitive bidding and contracting process on behalf of its members, including Hood River. In this case, the Department of Administrative Services provided a public bid price for the vehicle, which Public Works was able to further reduce through negotiation. If approved, the City will take receipt of the new dump truck in November due to ordering and delivery timeframes.

Public Works intends to continue use of the 2005 truck chassis as a replacement for an existing 25 year old sand spreading truck that has outlived its useful life and will be auctioned. Public Works will attempt to transfer and reuse of the existing 2005 dump body on the new truck, and will also attempt to transfer and reuse the existing sand spreader to the 2005 truck in order to reduce funding outlays.

Staff Recommendation: McCoy Freightliner has been selling vehicles and supplying and installing quality equipment on City trucks for numerous years. Columbia Truck will be performing the after market work on the new and existing trucks.

The attached truck specifications reflect those used for ODOT trucks, specifications well within those required for municipal operations, and not containing superfluous features and options.

The Director of Public Works recommends purchase a new 2020 International 5 Yard Dump Truck with Single Axel as described in attached contract.

Suggested Motion: I move that we authorize the Public Works Director to purchase one (1) International Single Axle dump truck for a total not to exceed \$156,352.32. The truck dealer, McCoy Freightliner of Portland, has agreed to the purchase and additional work as indicated in the attached contract.

Alternatives: Continue to repair existing 2005 International dump truck for an additional one or two more years.

Fiscal Impact: The publicly bid contract price for the proposed 2020 International 5 Yard Dump Truck with Single Axel is \$156,352.32 and there is \$170,754 set aside in the Vehicle Replacement Program for this purchase.

Attachment: Attached is the contract and specifications associated with the proposed purchase. The purchased vehicle will receive City of Hood River specific decals.

Prepared for: Adolfo Marquez
City of Hood River Thru
Department of Administrative
Services
1225 Ferry Street SE U140
Salem , OR 97301

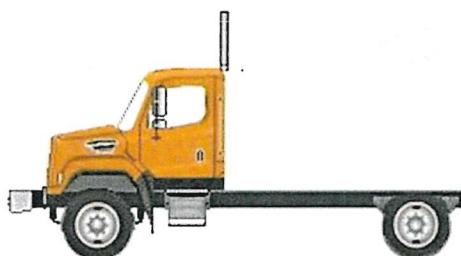
Prepared by:
Kevin Dripps
MCCOY FREIGHTLINER OF
PORTLAND
9622 N.E. VANCOUVER WAY
PORTLAND, OR 97211
Phone: 503-283-0345

*A proposal for City of Hood River Thru
Department of Administrative Services PA5560*

*Prepared by
MCCOY FREIGHTLINER OF PORTLAND
Kevin Dripps*

Aug 07, 2020

**2021 Freightliner 108SD 4x4 Chassis
Base Contract 108SD ISL Price \$69,404.00
Options to Base \$50,733.00 less 12% = \$44,645.00
McCoy Additional Options Discount (-\$5,526.00)
Add Columbia Body Dump Package \$47,225.00
Add Estimated Oregon CAT Tax \$604.32
Your Package Cost \$156,352.32**



Components shown may not reflect all spec'd options and are not to scale

Application Version 11.2.313
Data Version PRL-19D.028
DAS City of Hood River 5 yd 4x4 108SD
Yellow



08/07/2020 8:41 AM

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Prepared for: Adolfo Marquez
 City of Hood River Thru
 Department of Administrative Services
 1225 Ferry Street SE U140
 Salem , OR 97301

Prepared by:
 Kevin Dripps
 MCCOY FREIGHTLINER OF PORTLAND
 9622 N.E. VANCOUVER WAY
 PORTLAND, OR 97211
 Phone: 503-283-0345

Q U O T A T I O N

108SD CONVENTIONAL CHASSIS

SET BACK AXLE - TRUCK
 CUM L9 350 HP @ 2000 RPM, 2200 GOV RPM, 1150 LB/FT @ 1400 RPM
 ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH PTO PROVISION
 RS-23-160 23,000# R-SERIES SINGLE REAR AXLE
 23,000# AWD MULTI-LEAF SPRING REAR SUSPENSION
 MX-16-120HR 16,000# 1790MM KPI SINGLE FRONT DRIVE AXLE WITH HR CARRIER
 16,000# TAPERLEAF FRONT SUSPENSION

108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
 4275MM (168 INCH) WHEELBASE
 7/16X3-9/16X11-1/8 INCH STEEL FRAME
 (11.11MMX282.6MM/0.437X11.13 INCH) 120KSI
 1900MM (75 INCH) REAR FRAME OVERHANG
 1/4 INCH (6.35MM) C-CHANNEL INNER FRAME REINFORCEMENT
 BODY COMPANY INSTALLED ADDITIONAL FRONT FRAME REINFORCEMENT FOR SNOW PLOW

	TOTAL # OF UNITS (1)	PER UNIT	TOTAL
VEHICLE PRICE	\$ 108,323	\$ 108,323	108,323
EXTENDED WARRANTY	\$ 200	\$ 200	200
COLUMBIA BODY DUMP PACKAGE	\$ 47,225	\$ 47,225	47,225
CUSTOMER PRICE BEFORE TAX	\$ 155,748	\$ 155,748	155,748

TAXES AND FEES

OREGON CAT TAX	\$ 604.32	\$ 604.32
OTHER CHARGES	\$ 0	\$ 0

TRADE-IN

TRADE-IN ALLOWANCE	\$ (0)	\$ (0)
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BALANCE DUE	(LOCAL CURRENCY)	\$ 156,352.32	\$ 156,352.32
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COMMENTS:

Projected delivery on ____ / ____ / ____ provided the order is received before ____ / ____ / ____.

APPROVAL:

Please indicate your acceptance of this quotation by signing below:

Customer: X _____ Date: ____ / ____ / ____.

Daimler Truck Financial

Financing that works for you.

See your local dealer for a competitive quote from Daimler Truck Financial, or contact us at Information@dtfoffers.com.

Daimler Truck Financial offers a variety of finance, lease and insurance solutions to fit your business needs. For more information about our products and services, visit our website at www.daimler-truckfinancial.com.

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S P E C I F I C A T I O N P R O P O S A L

Data Code	Description	Weight Front	Weight Rear
Price Level			
PRL-19D	SD PRL-19D (EFF:01/15/19)		
Data Version			
DRL-028	SPEC PRO21 DATA RELEASE VER 028		
Vehicle Configuration			
001-176	108SD CONVENTIONAL CHASSIS	6,829	3,748
004-221	2021 MODEL YEAR SPECIFIED		
002-004	SET BACK AXLE - TRUCK		
019-001	TRAILER TOWING PROVISION AT END OF FRAME FOR TRUCK	10	10
003-001	LH PRIMARY STEERING LOCATION		
General Service			
AA1-003	TRUCK/TRAILER CONFIGURATION		
AA6-002	DOMICILED, USA (EXCLUDING CALIFORNIA AND CARB OPT-IN STATES)		
A85-010	UTILITY/REPAIR/MAINTENANCE SERVICE		
A84-1GM	GOVERNMENT BUSINESS SEGMENT		
AA4-010	DIRT/SAND/ROCK COMMODITY		
AA5-006	TERRAIN/DUTY: 10% (SOME) OF THE TIME, IN TRANSIT, IS SPENT ON NON-PAVED ROADS		
AB1-008	MAXIMUM 8% EXPECTED GRADE		
AB5-003	MAINTAINED GRAVEL OR CRUSHED ROCK - MOST SEVERE IN-TRANSIT (BETWEEN SITES) ROAD SURFACE		
995-1A0	FREIGHTLINER SD VOCATIONAL WARRANTY		
A66-99D	EXPECTED FRONT AXLE(S) LOAD : 16000.0 lbs		
A68-99D	EXPECTED REAR DRIVE AXLE(S) LOAD : 23000.0 lbs		
A63-99D	EXPECTED GROSS VEHICLE WEIGHT CAPACITY : 39000.0 lbs		
A70-99D	EXPECTED GROSS COMBINATION WEIGHT : 60000.0 lbs		
Truck Service			
AA3-018	FRONT PLOW/END DUMP BODY		
AF4-99D	EXPECTED EMPTY BODY WEIGHT : 0.0 lbs		

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Data Code	Description	Weight Front	Weight Rear
AF7-99D	EXPECTED BODY/PAYLOAD CG HEIGHT ABOVE FRAME "XX" INCHES : 32.0 in		
Engine			
101-22T	CUM L9 350 HP @ 2000 RPM, 2200 GOV RPM, 1150 LB/FT @ 1400 RPM		
Electronic Parameters			
79A-065	65 MPH ROAD SPEED LIMIT		
79B-000	CRUISE CONTROL SPEED LIMIT SAME AS ROAD SPEED LIMIT		
79K-015	PTO MODE ENGINE RPM LIMIT - 2100 RPM		
79M-001	PTO MODE BRAKE OVERRIDE - SERVICE BRAKE APPLIED		
79P-005	PTO RPM WITH CRUISE SET SWITCH - 1000 RPM		
80J-001	REGEN INHIBIT SPEED THRESHOLD - 0 MPH		
Engine Equipment			
99C-017	2016-2019 ONBOARD DIAGNOSTICS/2010 EPA/CARB/FINAL GHG17 CONFIGURATION		
13E-001	STANDARD OIL PAN		
105-001	ENGINE MOUNTED OIL CHECK AND FILL		
014-099	SIDE OF HOOD AIR INTAKE WITH FIREWALL MOUNTED DONALDSON AIR CLEANER		
124-1D7	DR 12V 160 AMP 28-SI QUADRAMOUNT PAD ALTERNATOR WITH REMOTE BATTERY VOLT SENSE		
292-235	(2) DTNA GENUINE, FLOODED STARTING, MIN 2000CCA, 370RC, THREADED STUD BATTERIES		
290-017	BATTERY BOX FRAME MOUNTED		
281-001	STANDARD BATTERY JUMPERS		
282-001	SINGLE BATTERY BOX FRAME MOUNTED LH SIDE UNDER CAB		
291-017	WIRE GROUND RETURN FOR BATTERY CABLES WITH ADDITIONAL FRAME GROUND RETURN		
289-001	NON-POLISHED BATTERY BOX COVER		
295-029	POSITIVE AND NEGATIVE POSTS FOR JUMPSTART LOCATED ON FRAME NEXT TO STARTER	2	
107-032	CUMMINS TURBOCHARGED 18.7 CFM AIR COMPRESSOR WITH INTERNAL SAFETY VALVE		
152-040	ELECTRONIC ENGINE INTEGRAL WARNING AND DERATE PROTECTION SYSTEM		

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Data Code	Description	Weight Front	Weight Rear
128-032	C-BRAKE BY JACOBS WITH LOW/OFF/HIGH BRAKING DASH SWITCH	80	
016-1C2	RH OUTBOARD UNDER STEP MOUNTED HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH B-PILLAR MOUNTED VERTICAL TAILPIPE	30	25
28F-002	ENGINE AFTERTREATMENT DEVICE, AUTOMATIC OVER THE ROAD REGENERATION AND DASH MOUNTED REGENERATION REQUEST SWITCH		
239-026	10 FOOT 06 INCH (126 INCH+0/-5.9 INCH) EXHAUST SYSTEM HEIGHT		
233-017	STANDARD CURVE BRIGHT UPPER STACK(S)		
237-1CR	RH CURVED VERTICAL TAILPIPE B-PILLAR MOUNTED ROUTED FROM STEP		
23U-001	6 GALLON DIESEL EXHAUST FLUID TANK	-35	-10
30N-003	100 PERCENT DIESEL EXHAUST FLUID FILL		
23Y-001	STANDARD DIESEL EXHAUST FLUID PUMP MOUNTING		
43X-002	LH MEDIUM DUTY STANDARD DIESEL EXHAUST FLUID TANK LOCATION		
43Y-001	STANDARD DIESEL EXHAUST FLUID TANK CAP		
242-001	STAINLESS STEEL AFTERTREATMENT DEVICE/MUFFLER/TAILPIPE SHIELD		
273-018	HORTON DRIVEMASTER ADVANTAGE ON/OFF FAN DRIVE		
276-002	AUTOMATIC FAN CONTROL WITH DASH SWITCH AND INDICATOR LIGHT, NON ENGINE MOUNTED		
110-003	CUMMINS SPIN ON FUEL FILTER		
118-008	COMBINATION FULL FLOW/BYPASS OIL FILTER		
266-104	1115 SQUARE INCH ALUMINUM RADIATOR		
103-036	ANTIFREEZE TO -34F, ETHYLENE GLYCOL PRE-CHARGED SCA HEAVY DUTY COOLANT		
171-007	GATES BLUE STRIPE COOLANT HOSES OR EQUIVALENT		
172-001	CONSTANT TENSION HOSE CLAMPS FOR COOLANT HOSES		
270-016	RADIATOR DRAIN VALVE		
360-013	1350 ADAPTER FLANGE FOR FRONT PTO PROVISION	20	
138-011	PHILLIPS-TEMRO 1000 WATT/115 VOLT BLOCK HEATER	4	

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Data Code	Description	Weight Front	Weight Rear
140-022	CHROME ENGINE HEATER RECEPTACLE MOUNTED UNDER LH DOOR		
132-004	ELECTRIC GRID AIR INTAKE WARMER		
155-058	DELCO 12V 38MT HD STARTER WITH INTEGRATED MAGNETIC SWITCH		
Transmission			
342-582	ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH PTO PROVISION		
Transmission Equipment			
343-314	ALLISON VOCATIONAL PACKAGE 146 - AVAILABLE ON 3000/4000 PRODUCT FAMILIES WITH VOCATIONAL MODEL RDS		
84B-012	ALLISON VOCATIONAL RATING FOR ON/OFF HIGHWAY APPLICATIONS AVAILABLE WITH ALL PRODUCT FAMILIES		
84C-023	PRIMARY MODE GEARS, LOWEST GEAR 1, START GEAR 1, HIGHEST GEAR 6, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84D-023	SECONDARY MODE GEARS, LOWEST GEAR 1, START GEAR 1, HIGHEST GEAR 6, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84E-017	S5 PERFORMANCE LIMITING PRIMARY SHIFT SCHEDULE, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84F-016	S5 PERFORMANCE LIMITING SECONDARY SHIFT SCHEDULE, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
84G-013	2100 RPM PRIMARY MODE SHIFT SPEED		
84H-013	2100 RPM SECONDARY MODE SHIFT SPEED		
84N-200	FUEL SENSE 2.0 DISABLED - PERFORMANCE - TABLE BASED		
84U-000	DRIVER SWITCH INPUT - DEFAULT - NO SWITCHES		
85E-011	MAXIMUM ENGINE SPEED FOR PTO ENGAGEMENT 1000 RPM		
353-023	VEHICLE INTERFACE WIRING CONNECTOR WITHOUT BLUNT CUTS, AT END OF FRAME		
34C-001	ELECTRONIC TRANSMISSION CUSTOMER ACCESS CONNECTOR FIREWALL MOUNTED		
362-824	(2) CUSTOMER INSTALLED CHELSEA 280 SERIES PTO'S		
363-011	PTO MOUNTING, LH AND RH SIDES OF MAIN TRANSMISSION		

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Data Code	Description	Weight Front	Weight Rear
341-018	MAGNETIC PLUGS, ENGINE DRAIN, TRANSMISSION DRAIN, AXLE(S) FILL AND DRAIN		
345-003	PUSH BUTTON ELECTRONIC SHIFT CONTROL, DASH MOUNTED		
97G-004	TRANSMISSION PROGNOSTICS - ENABLED 2013		
370-015	WATER TO OIL TRANSMISSION COOLER, IN RADIATOR END TANK		
375-006	MERITOR MTC-4210 AND MTC-4213 TRANSFER CASE OIL COOLER	20	
346-013	TRANSMISSION OIL CHECK AND FILL WITH CROSSOVER TO CLEAR LH PTO AND DIRECT MOUNT PUMP		
373-042	MERITOR MTC 4210XL-EVO 2-SPEED TRANSFER CASE	325	325
376-001	TRANSFER CASE SHIFT CONTROLS WITH TRANSFER CASE PTO ON/OFF SWITCH WHEN APPLICABLE		
35T-001	SYNTHETIC TRANSMISSION FLUID (TES-295 COMPLIANT)		

Front Axle and Equipment

400-1F1	MX-16-120HR 16,000# 1790MM KPI SINGLE FRONT DRIVE AXLE WITH HR CARRIER	1,310
398-557	5.57 FRONT AXLE RATIO	
389-079	MXL 16T MERITOR EXTENDED LUBE FRONT STEERING AXLE DRIVELINE WITH HALF ROUND YOKES	
402-086	MERITOR 16.5X6 Q+ MX DRIVE AXLE CAST SPIDER CAM FRONT BRAKES	
403-002	NON-ASBESTOS FRONT BRAKE LINING	
419-015	MERITOR CAST IRON FRONT BRAKE DRUMS	
427-001	FRONT BRAKE DUST SHIELDS	
409-010	FRONT GREASE SEAL	
416-022	STANDARD SPINDLE NUTS FOR ALL AXLES	
405-002	MERITOR AUTOMATIC FRONT SLACK ADJUSTERS	
406-001	STANDARD KING PIN BUSHINGS	
536-012	TRW TAS-85 POWER STEERING	40
539-003	POWER STEERING PUMP	
534-015	2 QUART SEE THROUGH POWER STEERING RESERVOIR	
40T-002	SYNTHETIC 75W-90 FRONT AXLE LUBE	

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Data Code	Description	Weight Front	Weight Rear
Front Suspension			
620-026	16,000# TAPERLEAF FRONT SUSPENSION	200	
619-005	MAINTENANCE FREE RUBBER BUSHINGS - FRONT SUSPENSION		
410-001	FRONT SHOCK ABSORBERS		
Rear Axle and Equipment			
420-051	RS-23-160 23,000# R-SERIES SINGLE REAR AXLE	180	
421-563	5.63 REAR AXLE RATIO		
424-001	IRON REAR AXLE CARRIER WITH STANDARD AXLE HOUSING		
386-073	MXL 17T MERITOR EXTENDED LUBE MAIN DRIVELINE WITH HALF ROUND YOKES	20	20
382-073	MXL 17T MERITOR EXTENDED LUBE INTERTRANSMISSION DRIVELINE WITH HALF ROUND YOKES		
452-001	DRIVER CONTROLLED TRACTION DIFFERENTIAL - SINGLE REAR AXLE	20	
878-018	(1) DRIVER CONTROLLED DIFFERENTIAL LOCK REAR VALVE FOR SINGLE DRIVE AXLE		
87B-004	BLINKING LAMP WITH EACH MODE SWITCH, DIFFERENTIAL UNLOCK WITH IGNITION OFF, ACTIVE <5 MPH		
423-085	MERITOR 16.5X8.62 Q+ CAST SPIDER HEAVY DUTY CAM REAR BRAKES, DOUBLE ANCHOR, FABRICATED SHOES		
433-002	NON-ASBESTOS REAR BRAKE LINING		
434-012	BRAKE CAMS AND CHAMBERS ON REAR SIDE OF DRIVE AXLE(S)		
451-023	CONMET CAST IRON REAR BRAKE DRUMS	-20	
425-002	REAR BRAKE DUST SHIELDS	5	
440-006	REAR OIL SEALS		
426-100	WABCO TRISTOP D LONGSTROKE 1-DRIVE AXLE SPRING PARKING CHAMBERS		
428-002	MERITOR AUTOMATIC REAR SLACK ADJUSTERS		
41T-002	SYNTHETIC 75W-90 REAR AXLE LUBE		
42T-001	STANDARD REAR AXLE BREATHER(S)		
Rear Suspension			
622-1FX	23,000# AWD MULTI-LEAF SPRING REAR SUSPENSION	60	
621-001	SPRING SUSPENSION - NO AXLE SPACERS		

Prepared for: Adolfo Marquez
City of Hood River Thru
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 1225 Ferry Street SE U140
 Salem , OR 97301

Prepared by:
 Kevin Dripps
MCCOY FREIGHTLINER OF PORTLAND
 9622 N.E. VANCOUVER WAY
 PORTLAND, OR 97211
 Phone: 503-283-0345

Data Code	Description	Weight Front	Weight Rear
431-001	STANDARD AXLE SEATS IN AXLE CLAMP GROUP		
Brake System			
490-100	WABCO 4S/4M ABS		
871-001	REINFORCED NYLON, FABRIC BRAID AND WIRE BRAID CHASSIS AIR LINES		
904-001	FIBER BRAID PARKING BRAKE HOSE		
412-001	STANDARD BRAKE SYSTEM VALVES		
46D-002	STANDARD AIR SYSTEM PRESSURE PROTECTION SYSTEM		
413-002	STD U.S. FRONT BRAKE VALVE		
432-003	RELAY VALVE WITH 5-8 PSI CRACK PRESSURE, NO REAR PROPORTIONING VALVE		
480-088	WABCO SYSTEM SAVER HP WITH INTEGRAL AIR GOVERNOR AND HEATER		
479-003	AIR DRYER MOUNTED INBOARD ON LH RAIL		
460-001	STEEL AIR BRAKE RESERVOIRS		
477-001	PULL CABLE ON WET TANK, PETCOCK DRAIN VALVES ON ALL OTHER AIR TANKS		
Trailer Connections			
914-025	AIR CONNECTIONS TO END OF FRAME WITH GLAD HANDS FOR TRUCK AND DUST COVERS		
296-010	PRIMARY CONNECTOR/RECEPTACLE WIRED FOR SEPARATE STOP/TURN, ABS CENTER PIN POWERED THROUGH IGNITION		
297-001	SAE J560 7-WAY PRIMARY TRAILER CABLE RECEPTACLE MOUNTED END OF FRAME		
335-004	UPGRADED CHASSIS MULTIPLEXING UNIT		
331-001	SUPPLEMENTAL J560 7-WAY RECEPTACLE LOCATED WITH PRIMARY RECEPTACLE		
Wheelbase & Frame			
545-427	4275MM (168 INCH) WHEELBASE		
546-102	7/16X3-9/16X11-1/8 INCH STEEL FRAME (11.11MMX282.6MM/0.437X11.13 INCH) 120KSI	170	150
547-001	1/4 INCH (6.35MM) C-CHANNEL INNER FRAME REINFORCEMENT	150	350
548-803	BODY COMPANY INSTALLED ADDITIONAL FRONT FRAME REINFORCEMENT FOR SNOW PLOW		
552-014	1900MM (75 INCH) REAR FRAME OVERHANG		
55W-007	FRAME OVERHANG RANGE: 71 INCH TO 80 INCH	-30	130

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 MCCOY FREIGHTLINER OF
 PORTLAND
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Data Code	Description	Weight Front	Weight Rear
549-002	24 INCH INTEGRAL FRONT FRAME EXTENSION	140	-20
AC8-99D	CALC'D BACK OF CAB TO REAR SUSP C/L (CA) : 102.76 in		
AE4-99D	CALC'D FRAME LENGTH - OVERALL : 308.27		
FSS-0LH	CALCULATED FRAME SPACE LH SIDE : 71.29 in		
FSS-0RH	CALCULATED FRAME SPACE RH SIDE : 178.31 in		
AM6-99D	CALC'D SPACE AVAILABLE FOR DECKPLATE : 102.45 in		
553-001	SQUARE END OF FRAME		
550-001	FRONT CLOSING CROSSMEMBER		
559-003	LIGHTWEIGHT HEAVY DUTY ALUMINUM ENGINE CROSSMEMBER	-12	
562-001	STANDARD MIDSHIP #1 CROSSMEMBER(S)		
572-001	STANDARD REARMOST CROSSMEMBER		
565-001	STANDARD SUSPENSION CROSSMEMBER		
Chassis Equipment			
556-1E5	14 INCH PAINTED STEEL BUMPER		
558-001	FRONT TOW HOOKS - FRAME MOUNTED	15	
574-001	BUMPER MOUNTING FOR SINGLE LICENSE PLATE		
551-007	GRADE 8 THREADED HEX HEADED FRAME FASTENERS		
Fuel Tanks			
204-215	50 GALLON/189 LITER SHORT RECTANGULAR ALUMINUM FUEL TANK - LH	-10	
218-005	RECTANGULAR FUEL TANK(S)		
215-005	PLAIN ALUMINUM/PAINTED STEEL FUEL/HYDRAULIC TANK(S) WITH PAINTED BANDS		
212-007	FUEL TANK(S) FORWARD		
664-001	PLAIN STEP FINISH		
205-001	FUEL TANK CAP(S)		
122-1H3	DETROIT FUEL/WATER SEPARATOR WITH WATER IN FUEL SENSOR	-5	
216-020	EQUIFLO INBOARD FUEL SYSTEM		
202-016	HIGH TEMPERATURE REINFORCED NYLON FUEL LINE		
Tires			
093-2CM	MICHELIN X WORKS XDY 315/80R22.5 20 PLY RADIAL FRONT TIRES	116	

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 Kevin Dripps
MCCOY FREIGHTLINER OF
PORTLAND
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Data Code	Description	Weight Front	Weight Rear
094-0E3	MICHELIN XDS 12R22.5 16 PLY RADIAL REAR TIRES	156	
Hubs			
418-015	MERITOR IRON FRONT HUBS		
450-060	CONMET PRESET PLUS PREMIUM IRON REAR HUBS		
Wheels			
502-433	ACCURIDE 29039 22.5X9.00 10-HUB PILOT 5.25 INSET 5-HAND STEEL DISC FRONT WHEELS	66	
505-428	ACCURIDE 28828 22.5X8.25 10-HUB PILOT 2-HAND HD STEEL DISC REAR WHEELS		52
Cab Exterior			
829-1A5	108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB		
650-008	AIR CAB MOUNTING		
648-002	NONREMOVABLE BUGSCREEN MOUNTED BEHIND GRILLE		
667-037	SHORT FENDER WITH MUDFLAP		
754-017	BOLT-ON MOLDED FLEXIBLE FENDER EXTENSIONS	10	
678-001	LH AND RH GRAB HANDLES		
645-002	BRIGHT FINISH RADIATOR SHELL/HOOD BEZEL		
646-042	STATIONARY BLACK GRILLE WITH BRIGHT ACCENTS		
65X-003	CHROME HOOD MOUNTED AIR INTAKE GRILLE		
644-004	FIBERGLASS HOOD		
690-002	TUNNEL/FIREWALL LINER		
727-1AF	SINGLE 14 INCH ROUND HADLEY AIR HORN UNDER LH DECK		
726-001	SINGLE ELECTRIC HORN		
728-001	SINGLE HORN SHIELD		
78G-004	KEY QUANTITY OF 4		
575-001	REAR LICENSE PLATE MOUNT END OF FRAME		
312-067	HALOGEN COMPOSITE HEADLAMPS WITH BRIGHT BEZELS		
302-047	LED AERODYNAMIC MARKER LIGHTS		
311-012	DAYTIME RUNNING LIGHTS - LOW BEAM ONLY		
294-001	INTEGRAL STOP/TAIL/BACKUP LIGHTS		
300-015	STANDARD FRONT TURN SIGNAL LAMPS		

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MCCOY FREIGHTLINER OF
PORTLAND
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Data Code	Description	Weight Front	Weight Rear
744-1BC	DUAL WEST COAST BRIGHT FINISH HEATED MIRRORS WITH LH AND RH REMOTE		
797-001	DOOR MOUNTED MIRRORS		
796-001	102 INCH EQUIPMENT WIDTH		
743-204	LH AND RH 8 INCH BRIGHT FINISH CONVEX MIRRORS MOUNTED UNDER PRIMARY MIRRORS		
74A-001	RH DOWN VIEW MIRROR		
74B-005	RH VELVAC 8 INCH BRIGHT FINISH HOOD MOUNTED CONVEX MIRROR WITH SWING ARM BRACKET, DUAL VIEW	4	
729-001	STANDARD SIDE/REAR REFLECTORS		
768-043	63X14 INCH TINTED REAR WINDOW		
661-003	TINTED DOOR GLASS LH AND RH WITH TINTED NON-OPERATING WING WINDOWS		
654-027	RH AND LH ELECTRIC POWERED WINDOWS, PASSENGER SWITCHES ON DOOR(S)	4	
663-013	1-PIECE SOLAR GREEN GLASS WINDSHIELD		
659-006	8 LITER (2 GAL) WINDSHIELD WASHER RESERVOIR, CAB MOUNTED, WITH FLUID LEVEL INDICATOR		
Cab Interior			
707-1AK	OPAL GRAY VINYL INTERIOR		
706-026	MOLDED PLASTIC DOOR PANEL WITHOUT VINYL INSERT WITH ALUMINUM KICKPLATE LOWER DOOR		
708-026	MOLDED PLASTIC DOOR PANEL WITHOUT VINYL INSERT WITH ALUMINUM KICKPLATE LOWER DOOR		
772-006	BLACK MATS WITH SINGLE INSULATION		
785-998	NO DASH MOUNTED ASH TRAYS AND LIGHTER		
691-008	FORWARD ROOF MOUNTED CONSOLE WITH UPPER STORAGE COMPARTMENTS WITHOUT NETTING		
694-010	IN DASH STORAGE BIN		
696-012	CENTER STORAGE CONSOLE MOUNTED ON BACKWALL	20	
742-007	(2) CUP HOLDERS LH AND RH DASH		
680-006	GRAY/CHARCOAL FLAT DASH		
860-004	SMART SWITCH EXPANSION MODULE		
720-003	5 LB. FIRE EXTINGUISHER	10	
700-002	HEATER, DEFROSTER AND AIR CONDITIONER		

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 PORTLAND
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Data Code	Description	Weight Front	Weight Rear
701-008	STANDARD HVAC DUCTING WITH SNOW SHIELD FOR FRESH AIR INTAKE		
703-005	MAIN HVAC CONTROLS WITH RECIRCULATION SWITCH		
170-015	STANDARD HEATER PLUMBING		
130-041	VALEO HEAVY DUTY A/C REFRIGERANT COMPRESSOR		
702-002	BINARY CONTROL, R-134A		
739-034	PREMIUM INSULATION		
285-013	SOLID-STATE CIRCUIT PROTECTION AND FUSES		
280-007	12V NEGATIVE GROUND ELECTRICAL SYSTEM		
324-014	DOME LIGHT WITH 3-WAY SWITCH ACTIVATED BY LH AND RH DOORS		
655-005	LH AND RH ELECTRIC DOOR LOCKS		
284-045	(2) 12 VOLT POWER RECEPTACLES MOUNTED IN DASH		
722-002	TRIANGULAR REFLECTORS WITHOUT FLARES	10	
756-1J3	BASIC HIGH BACK AIR SUSPENSION DRIVER SEAT WITH MECHANICAL LUMBAR AND INTEGRATED CUSHION EXTENSION	30	
760-1DC	BASIC HIGH BACK NON SUSPENSION PASSENGER SEAT		
759-007	DUAL DRIVER SEAT ARMRESTS, NO PASSENGER SEAT ARMRESTS	4	
711-004	LH AND RH INTEGRAL DOOR PANEL ARMRESTS		
758-036	VINYL WITH VINYL INSERT DRIVER SEAT		
761-036	VINYL WITH VINYL INSERT PASSENGER SEAT		
763-101	BLACK SEAT BELTS		
532-002	ADJUSTABLE TILT AND TELESCOPING STEERING COLUMN	10	
540-015	4-SPOKE 18 INCH (450MM) STEERING WHEEL		
765-002	DRIVER AND PASSENGER INTERIOR SUN VISORS		

Instruments & Controls

732-004	GRAY DRIVER INSTRUMENT PANEL
734-004	GRAY CENTER INSTRUMENT PANEL
87L-001	ENGINE REMOTE INTERFACE WITH PARK BRAKE INTERLOCK
870-001	BLACK GAUGE BEZELS
486-001	LOW AIR PRESSURE INDICATOR LIGHT AND AUDIBLE ALARM

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 Salem , OR 97301

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 Kevin Dripps
MCCOY FREIGHTLINER OF
PORTLAND
 9622 N.E. VANCOUVER WAY
 PORTLAND, OR 97211
 Phone: 503-283-0345

Data Code	Description	Weight Front	Weight Rear
838-001	(1) SINGLE BRAKE APPLICATION AIR GAUGE		
840-002	2 INCH PRIMARY AND SECONDARY AIR PRESSURE GAUGES		
198-003	DASH MOUNTED AIR RESTRICTION INDICATOR WITH GRADUATIONS		
721-001	97 DB BACKUP ALARM	3	
149-013	ELECTRONIC CRUISE CONTROL WITH SWITCHES IN LH SWITCH PANEL		
156-007	KEY OPERATED IGNITION SWITCH AND INTEGRAL START POSITION; 4 POSITION OFF/RUN/START/ACCESSORY		
811-042	ICU3S, 132X48 DISPLAY WITH DIAGNOSTICS, 28 LED WARNING LAMPS AND DATA LINKED		
160-038	HEAVY DUTY ONBOARD DIAGNOSTICS INTERFACE CONNECTOR LOCATED BELOW LH DASH		
844-001	2 INCH ELECTRIC FUEL GAUGE		
148-074	ENGINE REMOTE INTERFACE NOT CONFIGURED		
163-001	ENGINE REMOTE INTERFACE CONNECTOR AT BACK OF CAB		
856-001	ELECTRICAL ENGINE COOLANT TEMPERATURE GAUGE		
864-001	2 INCH TRANSMISSION OIL TEMPERATURE GAUGE		
830-017	ENGINE AND TRIP HOUR METERS INTEGRAL WITHIN DRIVER DISPLAY		
372-035	(1) DASH MOUNTED PTO SWITCH WITH INDICATOR LAMP	10	
852-002	ELECTRIC ENGINE OIL PRESSURE GAUGE		
746-115	AM/FM/WB WORLD TUNER RADIO WITH BLUETOOTH AND USB AND AUXILIARY INPUTS, J1939	10	
747-001	DASH MOUNTED RADIO		
750-002	(2) RADIO SPEAKERS IN CAB		
753-001	AM/FM ANTENNA MOUNTED ON FORWARD LH ROOF		
810-027	ELECTRONIC MPH SPEEDOMETER WITH SECONDARY KPH SCALE, WITHOUT ODOMETER		
817-001	STANDARD VEHICLE SPEED SENSOR		
812-001	ELECTRONIC 3000 RPM TACHOMETER		
162-011	IDLE LIMITER, ELECTRONIC ENGINE		

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1225 Ferry Street SE U140
Salem , OR 97301

Prepared by:
Kevin Dripps
MCCOY FREIGHTLINER OF PORTLAND
9622 N.E. VANCOUVER WAY PORTLAND, OR 97211
Phone: 503-283-0345

Data Code	Description	Weight Front	Weight Rear
329-012	FOUR ON/OFF ROCKER SWITCHES IN THE DASH WITH INDICATOR LIGHTS AND WIRE ROUTED TO CHASSIS AT BACK OF CAB, LABEL OPT		
81Y-001	PRE-TRIP LAMP INSPECTION, ALL OUTPUTS FLASH, WITH SMART SWITCH		
482-001	BW TRACTOR PROTECTION VALVE		
883-001	TRAILER HAND CONTROL BRAKE VALVE		
836-015	DIGITAL VOLTAGE DISPLAY INTEGRAL WITH DRIVER DISPLAY		
660-008	SINGLE ELECTRIC WINDSHIELD WIPER MOTOR WITH DELAY		
304-039	MARKER LIGHT SWITCH INTEGRAL WITH HEADLIGHT SWITCH AND DUAL CONNECTORS AND SWITCH FOR CUSTOMER FURNISHED SNOW PLOW LIGHTS, LOW BEAMS OFF WITH HIGH BEAMS		
882-004	TWO VALVE PARKING BRAKE SYSTEM WITH WARNING INDICATOR		
299-013	SELF CANCELING TURN SIGNAL SWITCH WITH DIMMER, WASHER/WIPER AND HAZARD IN HANDLE		
298-039	INTEGRAL ELECTRONIC TURN SIGNAL FLASHER WITH HAZARD LAMPS OVERRIDING STOP LAMPS		
Design			
065-000	PAINT: ONE SOLID COLOR		
Color			
980-3RX	CAB COLOR A: L0683EY WHEATLAND YELLOW ELITE EY		
986-020	BLACK, HIGH SOLIDS POLYURETHANE CHASSIS PAINT		
962-974	POWDER WHITE FRONT WHEELS/RIMS		
966-974	POWDER WHITE REAR WHEELS/RIMS		
964-6Z7	BUMPER PAINT: FP24812 ARGENT SILVER DUPONT FLEX		
963-003	STANDARD E COAT/UNDERCOATING		
Certification / Compliance			
996-001	U.S. FMVSS CERTIFICATION, EXCEPT SALES CABS AND GLIDER KITS		
Secondary Factory Options			

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City of Hood River Thru
Department of Administrative
Services
1225 Ferry Street SE U140
Salem , OR 97301

Prepared by:
Kevin Dripps
MCCOY FREIGHTLINER OF
PORLAND
9622 N.E. VANCOUVER WAY
PORLAND, OR 97211
Phone: 503-283-0345

Data Code	Description	Weight Front	Weight Rear
999-039	FRONT DRIVE AXLE ENGAGEMENT IS LIMITED TO 20% OR LESS OF TOTAL ANNUAL MILEAGE PER MERITOR SNOW PLOW APPLICATION REQUIREMENTS - DEALER ADVISED AND ACCEPTS		

Sales Programs

NO SALES PROGRAMS HAVE BEEN SELECTED

T O T A L V E H I C L E S U M M A R Y

Weight Summary

	Weight Front	Weight Rear	Total Weight
Factory Weight ⁺	9584 lbs	5184 lbs	14768 lbs
Total Weight ⁺	9584 lbs	5184 lbs	14768 lbs

Extended Warranty

WAG-010 TOWING: 1 YEAR/UNLIMITED MILES/KM EXTENDED TOWING
 COVERAGE \$550 CAP FEX APPLIES

(+) Weights shown are estimates only.

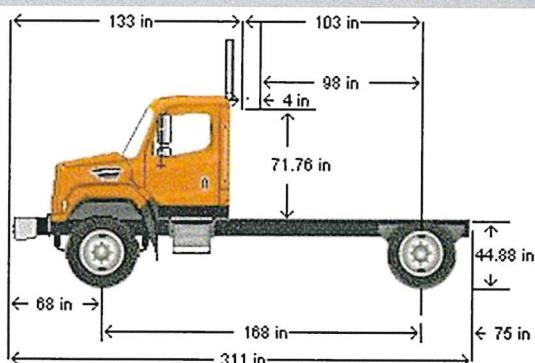
If weight is critical, contact Customer Application Engineering.

(***) All cost increases for major components (Engines, Transmissions, Axles, Front and Rear Tires) and government mandated requirements, tariffs, and raw material surcharges will be passed through and added to factory invoices.

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 Services
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 Kevin Dripps
MCCOY FREIGHTLINER OF
PORTLAND
 9622 N.E. VANCOUVER WAY
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DIMENSIONS



VEHICLE SPECIFICATIONS SUMMARY - DIMENSIONS

Wheelbase (545)	4275MM (168 INCH) WHEELBASE
Rear Frame Overhang (552)	1900MM (75 INCH) REAR FRAME OVERHANG
Fifth Wheel (578).....	NO FIFTH WHEEL
Mounting Location (577)	NO FIFTH WHEEL LOCATION
Maximum Forward Position (in).....	.0
Maximum Rearward Position (in)0
Amount of Slide Travel (in)0
Slide Increment (in).....	.0
Desired Slide Position (in)0
Cab Size (829)	108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
Sleeper (682).....	NO SLEEPER BOX/SLEEPERCAB
Exhaust System (016).....	RH OUTBOARD UNDER STEP MOUNTED HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH B-PILLAR MOUNTED VERTICAL TAILPIPE

TABLE SUMMARY - DIMENSIONS

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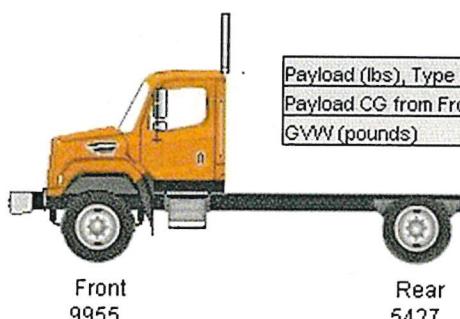
Dimensions	Inches
Bumper to Back of Cab (BBC)	133.3
Bumper to Centerline of Front Axle (BA)	67.7
Min. Cab to Body Clearance (CB)	3.0
Back of Cab to Centerline of Rear Axle(s) (CA)	102.8
Effective Back of Cab to Centerline of Rear Axle(s) (Effective CA)	98.3
Back of Cab Protrusions (Exhaust/Intake) (CP)	0.0
Back of Cab Protrusions (Side Extenders/Trim Tab) (CP)	4.5
Back of Cab Protrusions (CNG Tank)	0.0
Back of Cab Clearance (CL)	4.5
Back of Cab to End of Frame	177.6
Cab Height (CH)	71.8
Wheelbase (WB)	168.3
Frame Overhang (OH)	74.8
Overall Length (OAL)	310.8
Rear Axle Spacing	0.0
Unladen Frame Height at Centerline of Rear Axle	44.9

Performance calculations are estimates only. If performance calculations are critical, please contact Customer Application Engineering.

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MCCOY FREIGHTLINER OF
PORTLAND
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TRUCK WEIGHT



Payload (lbs), Type = Variable	0
Payload CG from Front of Body (ft)	7.0
GWW (pounds)	15382

VEHICLE SPECIFICATIONS SUMMARY - TRUCK WEIGHT

Cab Size (829)	108 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
Expected Front Axle(s) Load (lbs)	16000.0
Expected Pusher Axle(s) Load (lbs)	0.0
Expected Rear Axle(s) Load (lbs)	23000.0
Expected Tag Axle(s) Load (lbs)	0.0
Expected GVW (lbs)	39000
Expected GCW (lbs)	60000.0
Wheelbase (545)	4275MM (168 INCH) WHEELBASE
Pusher / Tag Axle (443)	NO PUSHER OR TAG AXLE
Front Axle to Back of Cab (in)	65.551
Cab to Body Clearance (in)	3.0
Front Axle to Body (in)	70.051
Truck Configuration (AA3)	FRONT PLOW/END DUMP BODY
Body Length (ft)	14.0
Body Weight (lbs)	0.0
Body Horiz CG from Body Front (ft)	5.9
Body Front to Rear Axle(s) CL (ft)	8.19
Driver Weight (lbs)	200.0
Driver Horizontal CG from Front Axle (in)	19.337
Left-Hand Primary Fuel/Hydraulic Tank (204)	50 GALLON/189 LITER SHORT RECTANGULAR ALUMINUM FUEL TANK - LH
Left Fuel Tank Horizontal CG (in)	86.2605
Right-Hand Primary Fuel/Hydraulic Tank (206)	NO RH FUEL TANK
Right Fuel Tank Horizontal CG (in)	0

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 Kevin Dripps
MCCOY FREIGHTLINER OF
PORTLAND
 9622 N.E. VANCOUVER WAY
 PORTLAND, OR 97211
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TABLE SUMMARY - TRUCK WEIGHT

Item	Front(s)	Rear(s)	Total
Chassis Tare	9584	5184	14768
Fuel / Oil	194	220	414
Driver	177	23	200
Dealer Installed Options	0	0	0
Accessories Total	0	0	0
Body Tare	0	0	0
Truck Tare Weight	9955	5427	15382
Payload Total	0	0	0
Calculated Axle Loads	9955	5427	15382
Expected Axle Loads / GVW	16000	23000	60000
GAWR / GVWR	16000	23000	39000
Payload CG From Front of Body		7 feet	
Payload CG From Front Axle		12.8 feet	
Payload Distribution		Variable	
All weights displayed in pounds			

Item	Front(s)	Rear(s)	Total
Chassis Tare	9584	5184	14768
Fuel / Oil	194	220	414
Driver	177	23	200
Dealer Installed Options	0	0	0
Accessories Total	0	0	0
Body Tare	0	0	0
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All weights displayed in pounds			

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9622 N.E. VANCOUVER WAY
PORTLAND, OR 97211
Phone: 503-283-0345

Performance calculations are estimates only. If performance calculations are critical, please contact Customer Application Engineering.

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and Members of the City Council

From: Mark Janeck, Director of Public Works

Subject: Change Orders 1 and 2
Phase 1 Waterfront Storm Sewer Project

Background:

The City has begun work on a storm sewer project located within the Hood River Waterfront. The project is Phase 1 of a four phase project that includes replacement of waterfront storm sewer line from the intersection of N. 2nd St. and Riverside Dr. to a relocated outfall to the Columbia River, as well as many other public infrastructure improvements, over the next four years. The Phase 1 work consists of installing a new pipeline from a manhole in the Hood River Distillers (HRD) gravel lot, approximately 145 feet southwest to Riverside Dr., west 505 feet along Riverside Dr. to N. 8th St., and north 300 feet along N. 8th St. A section of pipeline along N. 8th St. will require installation by boring under an existing railroad spur. Also included will be the work to abandon approximately 1,000 feet of the existing deteriorated 18" and 36" corrugated metal pipe from Riverside Dr. to the existing waterfront pipeline by filling it with low-density cellular concrete. The entire existing waterfront pipeline is installed below the ordinary high watermark (OHWM) of the Columbia River, while the new pipeline will be installed above the OHWM of the Columbia River.

The Phase 1 project includes the installation of 1,000 linear feet of 36" storm sewer pipe on 8th Street and Riverside Drive. Numerous manholes are also being installed along the pipe route as well as creating pipe connections to existing storm sewer pipes. The purpose of the project is to replace the existing, deteriorated corrugated metal pipe that is approximately 18-20 feet below the surface.

Change Orders:

Two Change Orders are being requested for consideration by the Council for this project.

Change Order 1 involves additional costs that occurred during pipe boring installation under existing railroad tracks on 8th Street. Construction utility locates revealed existing utility conflicts that had not shown up during the design locates. These locates required an additional boring length of 20'. Change Order 1 is in the amount of \$27,600 and includes both additional boring costs and a reduction in pipe length paid under a separate bid item.

Change Order 2 involves a problem that occurred during the installation of a manhole north of the railroad tracks on 8th Street. Installation of the manhole required that a foundation for the manhole be placed below and around the deteriorated 36" corrugated metal pipe approximately 20' below the roadway surface. Excavation and shoring for the foundation installation was accomplished, however safety and flooding concerns arose due to observation of the amount of water flow in the existing 36" pipe and possible safety implications if the pipe burst during construction activities which could cause soil failure and roadway flooding. After deliberations with the design engineers, City Engineer, the contractor and City Public Works personnel, the decision was made to bypass the manhole construction in that location and instead construct a planned manhole and piping that has been planned for construction as part of Phase 4 of the overall project. Change Order 2 is in the amount of \$117,712 and contains approximately \$10,000 of costs for the original materials and labor to attempt the first manhole installation, and approximately \$107,000 of costs to relocate equipment and personnel to excavate and install the manhole and piping required for the manhole in the new location. Approximately \$78,500 of this Change Order contains costs that would have been spent in Phase 4 of the overall project. The additional costs to the overall project (all phases) is \$39,186.

Staff Recommendation:

Both Change Order 1 and 2 involve situations that were unforeseen by Public Works and the design engineer, Tetra Tech. Change Order 1 involved new utility information not previously provided, and Change Order 2 involved a situation that has revealed serious potential negative impacts to contractor safety as well as potential flooding to public streets and private property.

The attached Change Order 1 and 2 have been reviewed by the design engineer, Tetra Tech and Public Works personnel, and have been agreed to as fair and correct.

The Director of Public Works recommends approval of Change Order 1 and 2 as requested by Landis and Landis, the City's contractor on site.

Suggested Motion:

I move that we authorize the City Manager agree to fund both Change Order 1 totaling \$27,600, and Change Order 2 totaling \$117,712, as part of the storm sewer Phase 1 project under contract with Landis and Landis Construction. As indicated in the attached documents.

Alternatives:

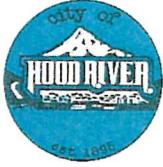
Attempt to install the original manhole in location and risk possible issues with personnel safety and possible street flooding.

Fiscal Impact:

The publicly bid contract price for the Phase 1 of this storm water project is \$984,352. If these Change Orders are approved, the Phase 1 project cost would increase from \$984,352 to \$1,129,664.

Attachment:

Attached are Change Order 1 and 2 as submitted by the contractor.



PROJECT CHANGE ORDER

PROJECT: Waterfront Stormline Relocation
Location: Port Waterfront Industrial Park
City/State: Hood River, OR 97031
Contract No.: 671

CHANGE ORDER NO.	#1
<i>CO Initiation Date:</i>	23 September 2020
<i>Notice to Proceed Date:</i>	16 September 2020
<i>Contract Completion Date:</i>	04 December 2020

DIRECTED TO CONTRACTOR: Landis and Landis
P.O. Box 50
Marylhurst, OR 97036-0050

YOU ARE DIRECTED TO MAKE THE FOLLOWING CHANGES IN THIS CONTRACT:

1. Extend bore length from 20 feet to 40 feet to avoid utility crossings.

Contract bid #10 – TUNNELING, BORING, AND JACKING shall be increased by: +\$ 37,000.00

2. Decrease length of 36" PVC pipe by 20 feet.

Contract bid #12 – 36 INCH PVC STORM SEWER PIPE, ALL DEPTHS shall be decreased by: -\$ 9,400.00

For a total contract increase of:

+\$ 27,600.00

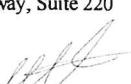
This Change Order is NOT valid until signed by both the Owner and the Owner's Engineer/Architect. Signature of the Contractor indicates his agreement here-with, including any adjustment in the Contract Sum or Contract Time.

The original [Contract Sum] [Guaranteed Maximum Cost] was..... \$ 984,352.00
Net Change by previously authorized Change Orders..... \$ 0.00
The [Contract Sum] [Guaranteed Maximum Cost] prior to this Change Order was: .. \$ 984,352.00
The [Contract Sum] [Guaranteed Maximum Cost] will be X Increased,
Decreased, Unchanged by this Change Order in the amount of..... \$ 27,600.00
The new [Contract Sum] [Guaranteed Maximum Cost] including this Change Order will be..... \$ 1,011,952.00
The Contract Time will be Increased Decreased X Unchanged by..... 0 days
The Date of COMPLETION after approval of this Change Order will be: 04 December 2020

SIGNED AUTHORIZATION

ENGINEER

Tetra Tech
15350 SW Sequoia Parkway, Suite 220
Portland, Oregon 97224
(503) 684-9097

By: _____ 
Date: 9/24/2020

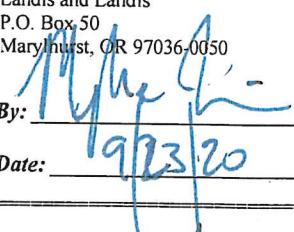
OWNER

City of Hood River
Public Works
211 2nd St
Hood River, OR 97081

By: 
Date: _____

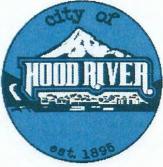
CONTRACTOR

Landis and Landis
P.O. Box 50
Marylhurst, OR 97036-0050

By: 
Date: 9/23/20

COPIES DISTRIBUTED TO: **ENGINEER/ARCHITECT** **CITY OF HOOD RIVER** **CONTRACTOR**

 PROJ. INSPECTOR **OTHER:** _____



PROJECT CHANGE ORDER

PROJECT: Waterfront Stormline Relocation
Location: Port Waterfront Industrial Park
City/State: Hood River, OR 97031
Contract No.: 671

CHANGE ORDER NO.	#2
<i>CO Initiation Date:</i>	<u>30 September 2020</u>
<i>Notice to Proceed Date:</i>	<u>16 September 2020</u>
<i>Contract Completion Date:</i>	<u>04 December 2020</u>

DIRECTED TO CONTRACTOR: Landis and Landis
P.O. Box 50
Marylhurst, OR 97036-0050

YOU ARE DIRECTED TO MAKE THE FOLLOWING CHANGES IN THIS CONTRACT:

Make all the required changes per the revised drawings as provided by Tetra Tech.

1. Move manhole P1-4 approximately 130 ft north.

Contract bid item #16 – CONCRETE STORM SEWER MANHOLE, 60 INCH DIA. shall remain unchanged: +\$ 0.00

2. Increase length of 36" PVC pipe by 130 feet @ \$400/LF.

Contract bid item #12 – 36 INCH PVC STORM SEWER PIPE, ALL DEPTHS shall be increased by: +\$ 52,000.00

3. Install approximately 126 lineal feet of 24" ADS N-12 pipe or approved equivalent from manhole P1-4 west to City manhole #500. Provide all required fitting.

New Contract item #A1 - 24 INCH ADS STORM SEWER PIPE, ALL DEPTHS shall be added at a unit cost of \$311/LF for a total increase of: +\$ 39,186.00

4. Increase the abandonment bid item by 36 cubic yards.

Contract bid item #20 – FILLING ABANDONED PIPES AND MANHOLES shall be increased by: +\$ 5,040.00

5. Increase the cold plane removal item by 650 square yards.

Contract bid item #25 – COLD PLANE PAVEMENT REMOVAL, 4-6 INCH DEEP shall be increased by: +\$ 4,550.00

6. Increase the ACP item by 146 tons.

Contract bid item #29 – LEVEL 2, 1/2 INCH DENSE ACP shall be increased by: +\$ 16,936.00

For a total contract increase of:

+\$ 117,712.00

In addition, there shall be an increase in the contract time of 15 calendar days. The final contract completion date shall be December 19th, 2020.

This Change Order is NOT valid until signed by both the Owner and the Owner's Engineer/Architect. Signature of the Contractor indicates his agreement here-with, including any adjustment in the Contract Sum or Contract Time.

The original [Contract Sum] [Guaranteed Maximum Cost] was..... \$ 984,352.00
Net Change by previously authorized Change Orders..... \$ 27,600.00
The [Contract Sum] [Guaranteed Maximum Cost] prior to this Change Order was: .. \$ 1,011,952.00
The [Contract Sum] [Guaranteed Maximum Cost] will be X Increased,
Decreased, Unchanged by this Change Order in the amount of..... \$ 117,712.00
The new [Contract Sum] [Guaranteed Maximum Cost] including this Change Order
will be..... \$ 1,129,664.00
The Contract Time will be X Increased Decreased Unchanged by..... 15 Calendar days
The Date of COMPLETION after approval of this Change Order will be: 19 December 2020

SIGNED AUTHORIZATION

ENGINEER

Tetra Tech
15350 SW Sequoia Parkway, Suite 220
Portland, Oregon 97224
(503) 684-9097

By: _____
Date: 10/1/2020

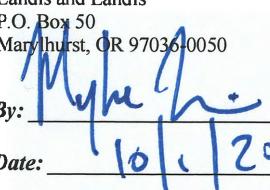
OWNER

City of Hood River
Public Works
211 2nd St
Hood River, OR 97031

By: _____
Date: _____

CONTRACTOR

Landis and Landis
P.O. Box 50
Marylhurst, OR 97036-0050

By: 
Date: 10/1/20

COPIES DISTRIBUTED TO: ENGINEER/ARCHITECT CITY OF HOOD RIVER CONTRACTOR
 PROJ. INSPECTOR OTHER: _____



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

<p>License Applied For:</p> <p><input type="checkbox"/> Brewery 1st Location <input type="checkbox"/> Brewery 2nd Location <input type="checkbox"/> Brewery 3rd Location <input type="checkbox"/> Brewery-Public House 1st Location <input type="checkbox"/> Brewery-Public House 2nd Location <input type="checkbox"/> Brewery-Public House 3rd Location <input type="checkbox"/> Distillery <input type="checkbox"/> Full On-Premises, Commercial <input type="checkbox"/> Full On-Premises, Caterer <input type="checkbox"/> Full On-Premises, Passenger Carrier <input type="checkbox"/> Full On-Premises, Other Public Location <input type="checkbox"/> Full On-Premises, For Profit Private Club <input type="checkbox"/> Full On-Premises, Nonprofit Private Club <input type="checkbox"/> Grower Sales Privilege 1st Location <input type="checkbox"/> Grower Sales Privilege 2nd Location <input type="checkbox"/> Grower Sales Privilege 3rd Location <input type="checkbox"/> Limited On-Premises <input type="checkbox"/> Off-Premises <input type="checkbox"/> Off-Premises with Fuel Pumps <input type="checkbox"/> Warehouse <input type="checkbox"/> Wholesale Malt Beverage & Wine <input checked="" type="checkbox"/> Winery 1st Location <input type="checkbox"/> Winery 2nd Location <input type="checkbox"/> Winery 3rd Location <input type="checkbox"/> Winery 4th Location <input type="checkbox"/> Winery 5th Location</p>	<p>CITY AND COUNTY USE ONLY</p> <p>Date application received and/or date stamp:</p> <p>Name of City or County:</p> <p>Recommends this license be: <input type="checkbox"/> Granted <input type="checkbox"/> Denied</p> <p>By: _____</p> <p>Date: _____</p> <p>OLCC USE ONLY</p> <p>Date application received: 9/10/20</p> <p>By: SR</p> <p>License Action(s): N/O</p>
--	--

2. Identify the applicant(s) applying for the license(s). ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license(s):

MPL Brands NV Inc.

(Applicant #1)

(Applicant #2)

(Applicant #3)

(Applicant #4)

3. Trade Name of the Business (Name Customers Will See)

Patco Brands

4. Business Address (Number and Street Address of the Location that will have the liquor license)

506 Columbia Street

City Hood River	County Hood River	Zip Code 97031
--------------------	----------------------	-------------------



OREGON LIQUOR CONTROL COMMISSION

LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See)

Patco Brands

6. Does the business address currently have an OLCC liquor license? YES NO**7. Does the business address currently have an OLCC marijuana license?** YES NO**8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your mail)**

3960 Howard Hughes PKWY, Suite 500-6001

City Las Vegas	State NV	Zip Code 89169	
9. Phone Number of the Business Location 415-515-3536	10. Email Contact for this Application jdmessinger@bevlaw.com		
11. Contact Person for this Application John Messinger	Phone Number 202-449-3739 x2		
Contact Person's Mailing Address (if different) 2911 Hunter Mill Road, Suite 303	City Oakton	State VA	Zip Code 22124

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.

I attest that all answers on all forms, documents, and information provided to the OLCC are true and complete.

Applicant Signature(s)

- Each individual person listed as an applicant must sign the application.
- If an applicant is an entity, such as a corporation or LLC, at least one person who is authorized to sign for the entity must sign the application.
- A person with the authority to sign on behalf of the applicant (such as the applicant's attorney or a person with power of attorney) may sign the application. If a person other than an applicant signs the application, please provide proof of signature authority.

John MessingerDigital signature by John Messinger
DN: cn=John Messinger, o=Lehrman Beverage Law, PLLC, ou=
email=jdmessinger@bevlaw.com, c=US
Date: 2020.05.08 11:11:57 -0400

(Applicant#1)

(Applicant#2)

(Applicant#3)

(Applicant#4)



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: MPL Brands NV Inc. Phone: 415-515-3536

Trade Name (dba): Patco Brands

Business Location Address: 506 Columbia Street

City: Hood River ZIP Code: 97031

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7am to 5pm
Monday 7am to 5pm
Tuesday 7am to 5pm
Wednesday 7am to 5pm
Thursday 7am to 5pm
Friday 7am to 5pm
Saturday 7am to 5pm

Outdoor Area Hours:

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

The outdoor area is used for:

- Food service Hours: _____ to _____
 Alcohol service Hours: _____ to _____
 Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.
_____ (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- | | |
|--|---|
| <input type="checkbox"/> Live Music | <input type="checkbox"/> Karaoke |
| <input type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games |
| <input type="checkbox"/> DJ Music | <input type="checkbox"/> Video Lottery Machines |
| <input type="checkbox"/> Dancing | <input type="checkbox"/> Social Gaming |
| <input type="checkbox"/> Nude Entertainers | <input type="checkbox"/> Pool Tables |
| <input type="checkbox"/> Other: _____ | |

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: 0

Outdoor: 0

Lounge: 0

Other (explain): N/A

Banquet: 0

Total Seating: 0

OLCC USE ONLY

Investigator Verified Seating: (Y) (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Michael LaFave Date: 6/1/2020

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev 3/2007)

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and Members of the City Council

From: Wade Seaborn, Senior Project Manager

Subject: Repair of the 3rd & Industrial water main break

Background:

On Sunday evening the 19th of January 2020, the City experienced a 12" water main break near Third and Industrial Streets. Immediate action was taken, the break was isolated and the area cleaned-up and made safe for the public. Multiple bends (fittings) and a section of pipe operating at or near its maximum design pressure appear to be the cause of the pipe failure. The repair included realigning the pipe to reduce the number of bends and replacing all 150 psi pipe with 250 psi pipe. Approximately 70 feet of pipe needed to be upgraded upstream of a pressure reducing vault.

The repair itself was put out to bid and the City received three bids from area contractors. The low bid was Beam Excavating in the amount of \$41,417. Beam Excavating was awarded the contract on June 29, 2020. The alignment of the existing pipes discovered during excavation for the repair necessitated an increased length of the repair and an associated increase in the asphalt paving required. Additionally, a large mass of concrete was discovered within the new pipe alignment. The concrete had to be chipped away with an excavator. These unexpected discoveries resulted in an increased cost of \$9, 278.50, for a total cost of \$50,695.50.

The purpose of this agenda item is to inform Council of the repair work and seek formal approval for the \$50,695.50 expenditure.

Staff Recommendation: Approve payment to Beam Excavating in the amount of \$50,695.50 for repair of the Third and Industrial water main.

Suggested Motion: I move that on tonight's consent agenda we approve payment to Beam Excavating in the amount of \$50,695.50 for repair of the Third and Industrial water main.

Alternatives: No suggested alternatives

Fiscal Impact: Funding will be through water operations – capital outlay.

Attachments:

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and City Council

From: Jennifer Kaden, Associate Planner

Subject: Appeal of Planning Commission Decision – Irwin Variance File No. 2020-14

This matter comes to City Council as an appeal of a Planning Commission decision to deny a Variance to the maximum allowed building height to construct a roof over an existing third-story deck. The question before the Council is whether the Planning Commission erred in its decision.

Background: The request to construct a roof over the existing 3rd story deck originally came to the Planning Department for review as a building permit. The subject dwelling is a legal, nonconforming structure, permitted at a time when the maximum allowed building height in residential zones was 35 feet. The height of the proposed roof addition exceeds the current allowed maximum height of 28 feet, and would increase the nonconformity of the existing structure, therefore staff was unable to approve the building permit without first getting approval through a publicly-noticed land use process.

Subsequently, the property owner applied for a variance to the maximum allowed height in order to construct a roof over the deck. The purpose of the roof is to protect the area from continued damage caused by sun, wind, and rain.

To be approved an applicant must demonstrate the variance meets the following four criteria:

1. There are unique or unusual circumstances which apply to the site which do not typically apply elsewhere.
2. The proposal's benefits will be greater than any negative impacts on the development of the adjacent lawful uses; and will further the purpose and intent of this title and the Comprehensive Plan of the City.
3. The circumstances or conditions have not been willfully or purposely self-imposed.
4. The variance requested is the minimum variance which would alleviate the hardship.

On September 8, 2020, the Planning Commission considered the variance request in a public hearing and voted to deny the request based on a determination that the request did not meet all four criteria required for approval. A Final Order setting forth the Planning Commission findings and decision and a Notice of Decision were issued on September 16, 2020 (Attachments 3 & 4).

On September 28, 2020, the property owner submitted an appeal of the Planning Commission decision (Attachment 2). The reasons for the appeal include an initial Planning Commission motion to approve the variance that failed on a tie vote, a belief that some Planning Commissioners misunderstood the basis for the variance request, and a subsequent conversation between the property owner and a roofing contractor. In short, the property owner believes the Planning Commission erred in its decision.

Appeal Hearing Procedure: Pursuant to HRMC 17.09.070.G.2, appeals of quasi-judicial actions by the Planning Commission are heard on the established record before City Council. The scope of

the appeal is limited to the grounds on which the appeal is made and limited to the record created during the proceedings prior to appeal to the City Council. This means that Council and the applicant cannot ask for or provide new information, but rather the Council must make its decision on the materials already submitted as part of the Planning Commission decision.

Staff Recommendation: The Council shall make findings, conclusions, and decide whether Planning Commission erred in its decision based on the materials and information already in the application record. Staff recommendation and findings (Attachment 6) along with the Planning Commission findings (Attachment 4) are included.

Alternatives: In its decision Council can choose to: Affirm the Planning Commission Decision; Reverse the Planning Commission Decision; or Modify the Planning Commission decision.

If the Council chooses to modify or reverse the Planning Commission decision and approve the variance request, the Council needs to make revised findings and may choose to include conditions of approval.

Suggested Motion: There are at least two possible motions: a motion to affirm the Planning Commission decision and deny the appeal; a motion reverse the Planning Commission decision and approve the appeal that would grant the variance request, with revised findings, and with or without conditions of approval.

Fiscal Impact: None.

Environmental Impact: None.

Attachments: The hearing record includes:

1. City Council Notice of Public Hearing & Appeal, September 29, 2020 (Packet pp. 42-43)
2. Lisa Irwin Appeal Application and Statement of Appeal, September 28, 2020 (Packet pp. 44-46)
3. Notice of Decision, September 16, 2020 (Packet pp. 47-48)
4. Planning Commission Final Order with attachments, September 16, 2020 (Packet pp. 49-106)
5. Draft Planning Commission meeting notes, September 8, 2020 (Packet pp. 107-111)
6. Staff Findings with attachments, September 1, 2020 (Packet pp. 112-165)



CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

September 29, 2020

CITY OF HOOD RIVER CITY COUNCIL NOTICE OF PUBLIC HEARING & APPEAL - Updated

Notice is hereby given that the City Council will conduct a public hearing on **Tuesday, October 13, 2020** beginning no earlier than **6:00 p.m.** to consider the following land use application. The City of Hood River is taking steps to limit exposure and spread of COVID-19 (novel coronavirus). In support of state and federal guidelines for social distancing, the City of Hood River will hold this **hearing online by using Zoom Conferencing (links below)**.

FILE NO.: 2020-14 – Irwin VAR

PROPOSAL: Appeal of the Planning Commission decision to deny the request for a Variance to the maximum allowed building height to construct a roof over an existing 3rd story deck.

APPLICANTS/OWNERS: Lisa Irwin & Tim Roddy

APPELLANT: Lisa Irwin

PROPERTY LOCATION & ZONING: 10 East Point Court; Legal Description: 3N10E36AB Tax Lot 6500. The property is zoned Urban High Density Residential (R-3).

CRITERIA: The City Council will evaluate the appeal at a public hearing pursuant to the Quasi-Judicial Public Hearing Procedures and the following applicable criteria of the Hood River Municipal Code: Section 17.09.040 Quasi-Judicial Actions; 17.03.030 Urban High Density Residential Zone (R-3); 17.05 Non-Conforming Uses and Structures; 17.18 Variances.

RESPONSE: The hearing is on the record, where testimony is limited to legal argument of preserved issues by parties of record.

Should you wish to provide testimony at the public hearing, please contact Jennifer Gray, City Recorder, at j.gray@cityofhoodriver.gov no later than 12 noon on Tuesday, October 13, 2020. Please use the following video link or phone number to observe or participate in the public hearing:

<https://us02web.zoom.us/j/81654410013>

Phone: (253) 215-8782

Meeting ID: 816 5441 0013

International numbers available: <https://us02web.zoom.us/u/kFEQqmb35>

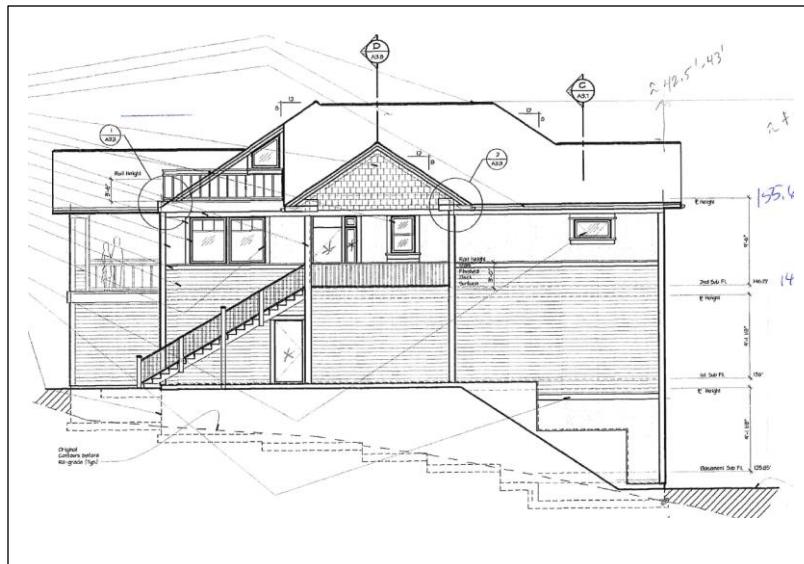
Submit written comments to the City Recorder at j.gray@cityofhoodriver.gov by Tuesday, October 13, no later than 12 noon, in order to distribute to the City Council for review by 3pm. All comments will be added to the record.

The application, Planning Commission decision, appeal, all documents and evidence related to the land use file, and applicable criteria are available for inspection upon request at no cost from the Planning Department. Please email Jennifer Kaden, Associate Planner, at j.kaden@cityofhoodriver.gov for copies of materials. The report to City Council will be available in the City Council packet by 5:00 p.m. on Thursday, October 8, 2020.

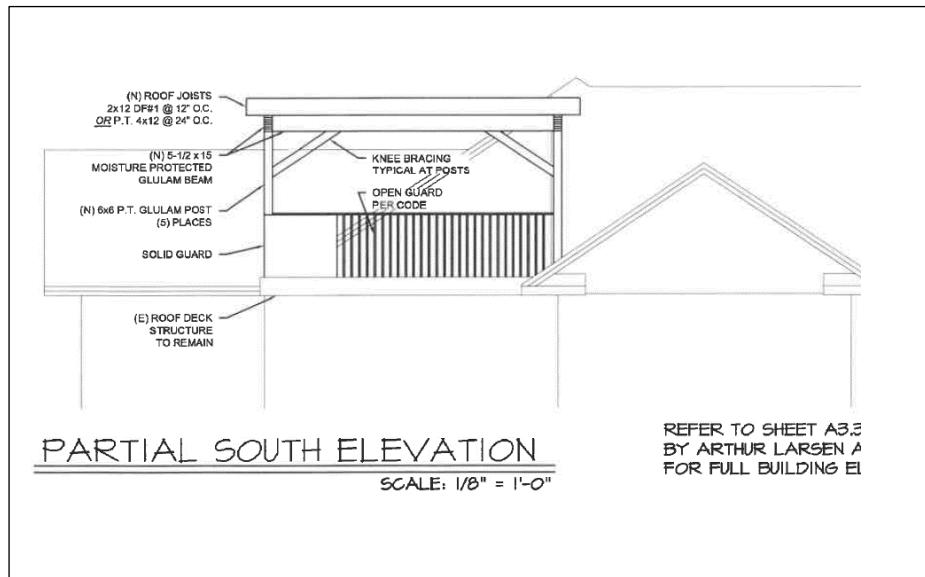
STAFF CONTACT: Jennifer Kaden, Associate Planner, (541) 387-5215 or j.kaden@cityofhoodriver.gov

Attachment 1

EXISTING



PROPOSED



File No.: 2020-14
Fee: \$250
Date Rec'd: 9/28/2020

CITY OF HOOD RIVER APPEAL APPLICATION

(1/2 of appeal fee to be refunded if appellant prevails on appeal)

Submit the completed application form with three (3) complete paper copies including full-and reduced sized plans, one electronic copy (original .pdf) and appropriate fees to the City of Hood River Planning Department, 211 2nd St., Hood River, OR 97031. Additional paper copies may be required as determined by staff. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT / APPELLANT:

Name: Lisa Irwin

Address: 10 E. Point ct.
(physical)

Hood River, OR 97031

(mailing) 19115 NE 42nd ct

Ridgefield, WA 98642

(email) lirwin736@msn.com

Telephone: Cell Phone: (360) 607-7557

Signature: Lisa Irwin Date: 9/25/20

FILE BEING APPEALED: File Name Irwin File #: 2020-14

DATE OF NOTICE OF DECISION: 9-16-20

DATE OF APPEAL: 9/25/20
(must be within 12 days from the date of the Notice of Decision)

ACTION SUBJECT TO APPEAL: Denial Irwin 2020-14
Variance request.

BASIS FOR THIS APPEAL: On a separate sheet of paper, list in detail the specific grounds why the decision should be reversed or modified based on the applicable criteria or procedural error. The grounds shall be raised with sufficient specificity so as to afford the reviewing body an adequate opportunity to respond to each issue.

APPLICANT QUALIFIES AS A PARTY BECAUSE: Owner of
property

GROUND FOR APPEAL

I am writing to appeal the decision of the Hood River Planning Commission to disapprove the Irwin/Roddy (Irwin, 2020-14) Variance request. This request was reviewed on September 15, 2020.

As the Variance request application describes we have struggled for over ten years with the surface of the upper level patio of our home. This particular patio is fully exposed (Southwest exposure) to the sun with no shade at any time of the day. The original deck application, which was applied in 2006, consisted of a layered membrane system using a fiberglass liquid product. A scupper system was also installed for drainage.

This particular deck failed within two years, had to be completely stripped and resurfaced, and within another two years started splitting open again. Over the course of the next 6-7 years we consulted with experts in the field and resurfaced it several times using different liquid membrane layering products, most recently with Durabak. All of these applications began lifting within a year or two. See photographs. Our home has four other areas with the original fiberglass application and all are in excellent condition.

At our wits end we turned to general contractors for their input on how to solve this repeated problem and were told to cover it. We were pointed to Bell Engineering who designed a load appropriate engineered shed style cover into the existing roof.

In late February we submitted the plan to the City of Hood River planning department for review and were told that they were unable to approve it because of a change in the height restriction that had been implemented after we built our home. Neither of the builders we consulted nor Bell Engineering were aware that we would be subject to any new restrictions. When we built our home the height limit was 35 ft. and was subsequently changed to 28ft. The architectural plan designed by Art Larson, a local architect, shows our home to be 32'10" at the peak. The proposed structure would tie into the roof at about 29.5 to 30' and slope to the west. This structure is attractively designed to match the existing architecture and would enable us to use the deck, a deck which has a view of the Hood River valley and Mt. Hood. Currently it is unusable. We did consider a portable or temporary structure such as an awning but felt that it would not be practical because of the wind.

We were told by the Planning Department that the only other option would be to request a variance. At the time I was recovering from a major orthopedic procedure and my husband was in the thick of dealing with the early Covid surge in Vancouver. We decided to have Kristen Campbell, a local land use attorney, help us with the variance application. This was submitted in June and our hearing took place on September 15, 2020 via zoom teleconference.

During the opening of the hearing one of the seven members recused himself without explanation leaving the review to the remaining six members. Our situation was discussed and ultimately a tie occurred with three wanting to grant approval and three not. The points of contention seem to focus on whether this was a unique situation. The members recommending approval felt it was unique because of the change in height restrictions and others opposed seemed to not want to set a precedence

and felt that the restrictions were for a reason. During the deliberations I believe two members, however, it could of been one as it was hard to follow, made comments that they did not know much about building or a situation like our that resulted from heat related expansion and contraction. These two members did not articulate a good argument as to why our proposal should be denied and left us wondering if they really understood our situation.

I was also surprised that a letter of opposition submitted a week after the deadline from someone residing in a neighborhood above us was included in the hearing packet. The only other public opponent apparently lives below us and made wildly false accusations about our home being built illegally without proper permitting.

In the materials provided to the Commission there was support for our proposal from both the fire marshal and the city engineer. No one mentioned this. All of our immediate neighbors have also voiced support for our structure proposal.

One disturbing finding was a series of inter-department memos from staff. There were inappropriate assumptions made about the quality, design, and craftsmanship of our home with the implication that the initial or subsequent deck surfaces were not applied by an experienced crew. Not true. The contractors we used were very experienced and did beautiful work. We have 4 other areas with the original surface that are pristine at 14 years old! There was a comment that we “patched” the deck when in fact we stripped it to the plywood every time. There was also mention that we probably had a low grade roof when in fact our roof is a 50 year top-of-the-line copper embedded roof with a high wind rating. Another about the design of our home. This was discussed at the hearing as well. Designing an upper exposed patio without a shade structure was definitely a mistake. There was a comment that we should of considered cement decking.....we did. Too heavy.

After the Hearing, building inspector Danielle Meyers graciously reached out to us and recommended that we contact Brown roofing for a consultation. Travis from Brown roofing spoke to me at length and related that while he does do some liquid membrane applications in new construction using Durabak, the same product we used, he would not feel comfortable doing an already constructed deck that has failed. He did relate that he had seen other liquid membrane decks fail in the Gorge for heat and other reasons. He only knew of one contractor in the Portland area who may be able to help. Mason, at Right Turn Construction is scheduled to look at our deck next week.

Given that the rules mandate that a split or “tie” vote result in a failure to approve, we felt that a request for second review was reasonable. We truly appreciate your thoughts and recommendations. We are frustrated and discouraged about this flawed part of our home, an area that we want to use. We want the option of covering the patio with a stout shade structure to lower the surface temperature and would embrace working closely with city planners to accomplish this.

Sincerely,
Lisa Irwin



CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

September 16, 2020

CITY OF HOOD RIVER PLANNING COMMISSION NOTICE OF DECISION

TO: Applicant, Owner, Participating Parties, Persons Entitled to Notice and City Council
FROM: Jennifer Kaden, Associate Planner
SUBJECT: Denial of Variance – Irwin; File No. 2020-14

PROPOSAL: Variance to the maximum allowed building height to construct a roof over an existing 3rd story deck.

APPLICANTS/OWNERS: Lisa Irwin & Tim Roddy

PROPERTY LOCATION: 10 East Point Court; Legal Description: 3N10E36AB Tax Lot 6500. (*See attached location map.*)

ZONING: The property is zoned Urban High Density Residential (R-3).

DESCRIPTION OF ACTION: The Planning Commission DENIED the Variance request at a public hearing on September 8, 2020. The Planning Commission decision setting forth the findings of fact was signed on Wednesday, September 16, 2020.

A copy of all documents and evidence submitted by or on behalf of the applicant, applicable criteria, the staff report, and the findings of fact, which include any conditions upon which the decision is based, and the conclusions of law derived from those facts, are available from the City Planning Department: planning@cityofhoodriver.gov, j.kaden@cityofhoodriver.gov, or 541-387-5210, between the hours of 8 a.m. to 5 p.m., Monday through Friday excluding holidays.

APPEAL: The decision of the Planning Commission shall be final unless a Notice of Appeal, including the appeal fee, is filed by 5:00 p.m. on Monday, September 28, 2020, with the City Recorder at 211 2nd Street, Hood River, OR, 97031. The appeal cannot be made directly to the Land Use Board of Appeals under ORS 197.830.

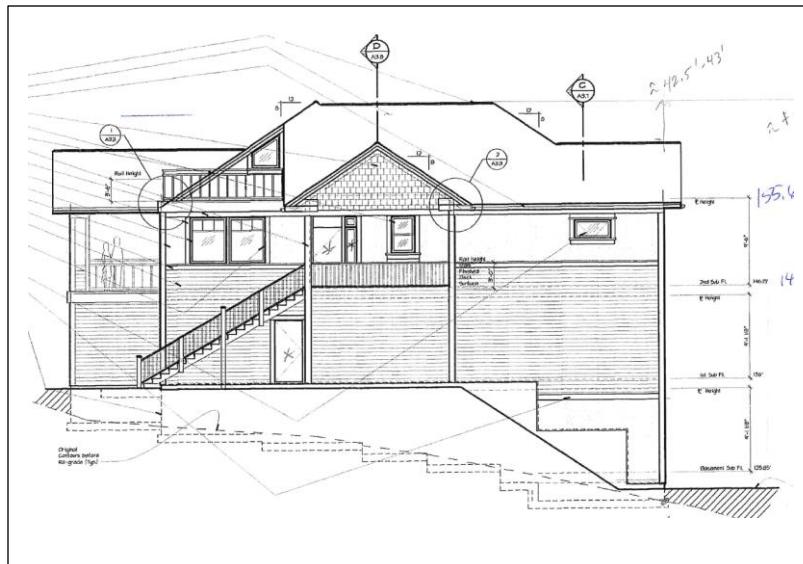
The following persons may appeal the above-referenced decision:

1. The applicant.
2. Any party of record to the particular action.
3. A person entitled to notice and to whom no notice was mailed. A person to whom notice is mailed is deemed notified even if notice is not received.
4. The City Council upon a majority vote.

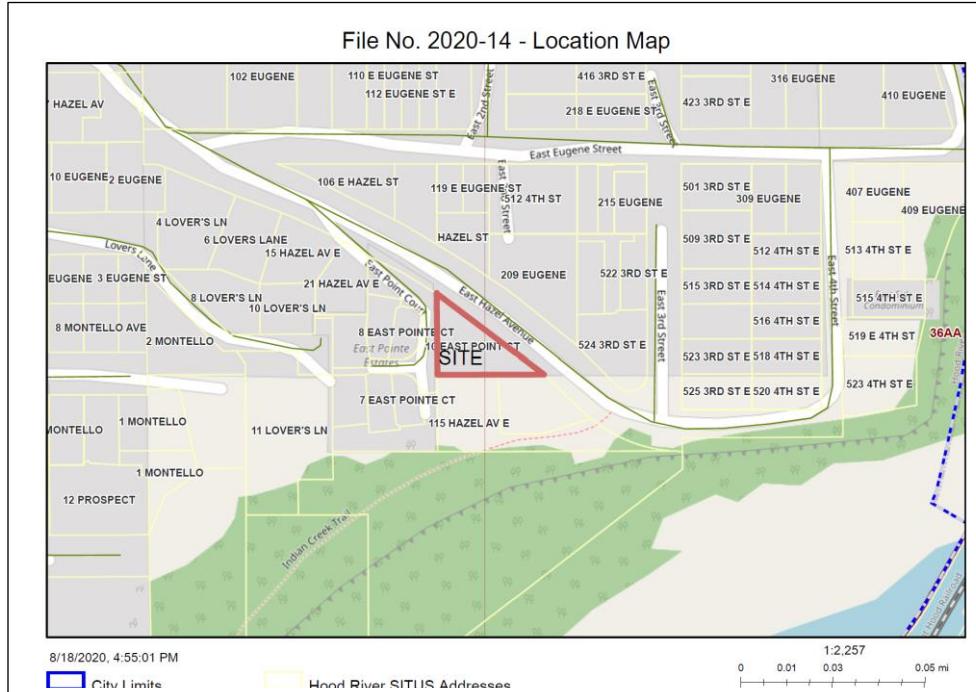
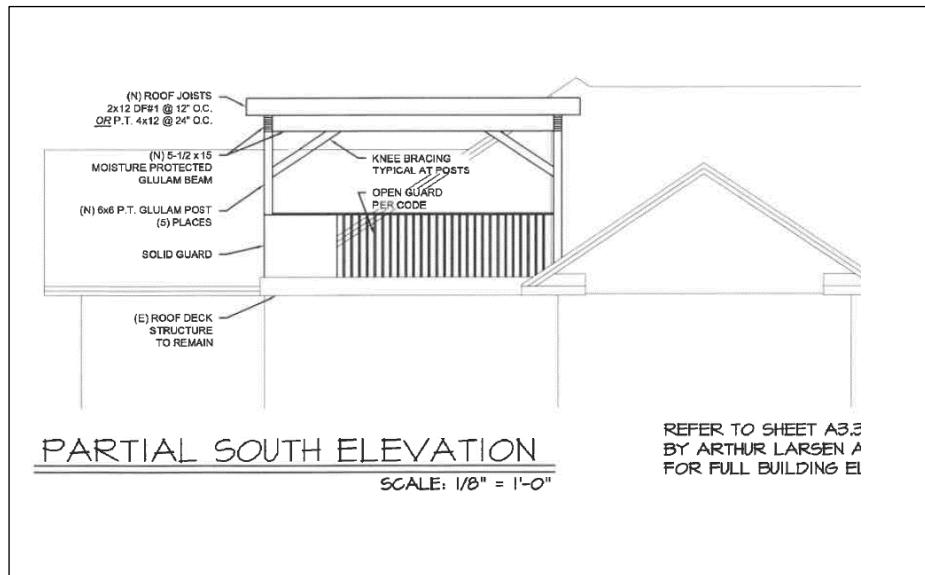
If you have any questions, please call Planner Jennifer Kaden at (541) 387-5215.

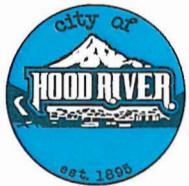
Attachment 3

EXISTING



PROPOSED





CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

BEFORE THE CITY OF HOOD RIVER PLANNING COMMISSION HOOD RIVER, OREGON

In the matter of a Variance)
application by Lisa Irwin and Tim)
Roddy to construct a roof over)
An existing 3rd story deck,)
File No. 2020-14)

FINDINGS AND DECISION

I. BACKGROUND INFORMATION:

- A. **REQUEST:** Variance to the maximum allowed building height for a Roof Addition over an Existing Deck. (See Attachment "A")
- B. **APPLICANTS:** Lisa Irwin and Tim Roddy
- C. **OWNERS:** Same
- D. **PROPERTY LOCATION:** 10 E. Point Court. Legal Description: 3N10E36AB Tax Lot 6500. (See Location Map, Attachment "B".)
- E. **ZONING:** Urban High Density Residential (R-3)
- F. **PROPERTY SIZE:** Approximately .2 acres or 8,700 +/- square feet.
- G. **SURROUNDING ZONING & LAND USES:**
 - North: R-3, E. Hazel Ave - residential
 - South: R-3 - residential
 - East: R-3 - residential
 - West: R-1, residential
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
 - 1. HRMC 17.09.040 – Quasi-Judicial Actions
 - 2. HRMC 17.03.030 – Urban High Density Residential (R-3) Zone
 - 3. HRMC 17.05 – Nonconforming Uses and Structures
 - 4. HRMC 17.18 – Variances
- I. **AGENCY COMMENTS:**
 - 1. Leonard Damian, City Fire Department – Comments attached (Attachment D)
 - 2. Danielle Meyers, City Building Department – Comments attached (Attachment E).

Attachment 4

I. **ADJACENT PROPERTY OWNER COMMENTS:** Property owners within 250 feet of the subject parcel were notified of this request. The following written comments were received in response to the notice:

1. Scott Skelton, comments attached (Attachment H)
2. Doug Gallant, comments attached (Attachment I)

K. **HISTORY**

1. Variance application submitted June 5, 2020
2. Application deemed complete June 30, 2020
3. Agency referrals emailed July 9, 2020
4. Notice of public hearing mailed August 19, 2020
5. Planning Commission hearing scheduled September 8, 2020
6. Notice of Decision mailed September 16, 2020

L. **ATTACHMENTS:**

- Attachment "A" – Applicant's application and written narrative; emails 9/3/20
- Attachment "B" – Location Map
- Attachment "C" – Building Permit Records
- Attachment "C.2" – Staff Building Height Calculations
- Attachment "D" – Construction Drawings – proposed roof; Bell Design
- Attachment "E" – Ordinance 1920
- Attachment "F" – Fire Department comments, 7/9/20
- Attachment "G" – Building Department comments, 7/10/20, 8/25/20
- Attachment "H" – Scott Skelton, August 28, 2020
- Attachment "I" – Doug Gallant, September 2, 2020

II. **FINDINGS OF FACT**

A. **HRMC 17.03 – LAND USE ZONES**

17.03.030 Urban High Density Residential Zone (R-3)

A. **Permitted Uses:**

1. Detached single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Multi-family dwellings for residential use, subject to HRMC 17.16
4. Manufactured homes for residential use
5. Mobile home parks subject to HRMC 17.12
6. Residential care facilities
7. Group residential, if fifteen (15) or more persons, subject to site plan review
8. Transportation facilities subject to HRMC 17.20.050(A)
9. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
10. Accessory uses permitted when accessory to residential use:
 - a. Accessory dwelling units subject to HRMC 17.23
 - b. Bed and breakfast facilities subject to HRMC 17.04.110
 - c. Family day care subject to HRMC 17.04.100
 - d. Home Occupations subject to HRMC 17.04.100

- e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115
- 11. Townhouse projects for residential use including:
 - a. Three (3) or fewer townhouses subject to HRMC 17.19
 - b. Four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19.

FINDINGS: The subject property is developed with an existing duplex as permitted under HRMC 17.03.03.A.2 (Permit #04-0072 & #05-0228). No change of use or additional use is proposed.

B. Conditional Uses.

- 1. Hospitals, sanitariums, rest homes, nursing or convalescent home
- 2. Schools and child care centers
- 3. Public parks, playgrounds, and related facilities
- 4. Utility or pumping substations
- 5. Religious institutions
- 6. Planned unit developments
- 7. Professional offices
- 8. Hostels

FINDINGS: A conditional use is not proposed.

C. Site Development Standards. Except for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:

- 1. The minimum lot or parcel size shall be 5,000 square feet.
- 2. Minimum requirement for building sites: Per detached single dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
- 3. A minimum frontage of fifty (50) feet on a dedicated public street.
- 4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
- 5. Lot Coverage: Subject to HRMC 17.04.120

FINDINGS: The subject property is approximately 8,700 +/- square feet in area with more than 50 feet of frontage on Hazel Avenue. No change to lot coverage is proposed and no changes to the site configuration are proposed.

D. Setback Requirements. The minimum setback requirements shall be as follows:

- 1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public street.
- 2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
- 3. Side yard/ rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than five (5) feet from the rear property line.

- d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
- e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

FINDINGS: As depicted on a 2004 Site Plan in the building permit records (Attachment C), the existing structure is located approximately 8 feet from the western and southern property lines, and at least 15 feet from the Hazel Avenue right-of-way. As depicted on the attached proposed construction drawings (Attachment D), the proposed roof structure is within the footprint of the existing structure and no change to setbacks is proposed.

- E. **Maximum building height:** Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential development may be conditionally permitted up to thirty-five (35) feet subject to HRMC 17.06.

FINDINGS: Pursuant to HRMC 17.03.030(E), the maximum allowed height for residential development in the R-3 zone 28 feet as measured from existing grade, unless a Conditional Use Permit is approved to allow a maximum building height of 35 feet as measured from existing grade. Pursuant to HRMC 17.01.060, when the grade change is greater than 10 feet, building height is measured from a point 10 feet above the lowest existing grade of the proposed building:

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest point of a building. The reference datum shall be selected by either of the following, whatever yields the greater building height:

1. The elevation of the highest adjoining sidewalk or upper ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item one (1) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building permit records indicate that at the time a permit was issued for the original dwelling (Permit #04-0072), the maximum allowed building height was 35 feet, also measured from existing grade and using the same methodology for sites with slopes greater than 10 feet. No conditional use for the 35-foot allowed height was required at the time.

Permit records indicate the proposed structure height "...is below 35 with the 10' slope accommodation...." (Attachment C). It is not clear from the permit records what elevation the building height was measured from, however the records indicate an existing grade elevation at the low point of the building site was 118' above sea level (ASL), which would allow for a maximum building height of 163' ASL at the time ($118' + 10' + 35' = 163'$). If the height was calculated from finished grade on the low side of the structure (124' ASL), then the maximum allowed height would have been 169' ASL at the time ($124' + 10' + 35' = 169'$).

Pursuant to the current maximum allowed building height of 28', the current maximum allowed height of a new structure – or addition to an existing structure – on the subject property is approximately 156' ASL (118' + 10' + 28' = 156').

Staff estimates the height of the existing structure is approximately 166.15' ASL as illustrated on Attachment C.2. Information submitted by the applicant in Exhibit B-3 of Attachment A estimates the existing roof ridge elevation is approximately 166.83' ASL (124' + 42'10"). No information about the height of the proposed roof structure as measured 'above sea level' was provided, however the applicant estimates it would be 2 – 2.5 feet lower than the existing roof ridge, which calculates to approximately 164.33 - 164.83 feet ASL, more than 8 feet higher than the currently allowed maximum roof height of 156'.

As such, the roof cannot be permitted under the provisions of HRMC 17.03.030.E.

F. Parking Regulations.

1. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
2. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
3. Required setback areas may be utilized for off-street parking for multi-family dwellings.
4. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New or expanded parking area
6. Bicycle parking as required by HRMC 17.20.040.

FINDINGS: Pursuant to HRMC 17.03.030.F.1, four on-site parking spaces are required for the existing duplex. No change to the parking configuration is proposed.

G. Signs: All signs shall be in conformance with the sign regulations in this title.

FINDINGS: No new signs are proposed.

H. Landscaping. All landscaping shall be in conformance with the landscape standards in this title.

FINDINGS: Pursuant to HRMC 17.17.010(A), the proposed use is not subject to the landscaping standards of HRMC 17.17.

2. HRMC 17.05 – Non-conforming Uses and Structures

17.05.030 Nonconforming Structure

- A. Continuation.** A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform to the existing height, setback,

coverage, area, or other requirements, may continue so long as it complies with all of the following requirements:

1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity.
2. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform to its pre-damage nonconforming state. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.
3. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.

FINDINGS: HRMC 17.01.060 defines a non-conforming structure as one that was a lawful existing structure at the time the zoning ordinance, or any amendment, became effective. The maximum allowed building height for residential development in the R-3 zone changed from 35 feet to 28 feet in 2007, Ordinance 1920 (Attachment E). As explained above, the existing duplex structure exceeds the maximum allowed building height of 28 feet, but was permitted in conformance with building height standard applicable at the time of building permit issuance (Permit #04-0072) and, therefore, is a lawful existing structure.

As a nonconforming structure, the duplex is permitted to continue as long as it is not altered in such a way that it increases its nonconformity. The duplex is nonconforming in that it exceeds the maximum allowed building height. The applicant proposes to construct a roof to cover a 3rd-story deck, essentially a rooftop deck, to resolve an ongoing issue with water and sun damage on the existing deck. The height of the proposed roof structure (estimated to be approximately 164.33 – 164.83 feet ASL) would exceed the current allowed maximum height of approximately 156' ASL and increase the overall amount or volume of the structure that exceeds the allowed height, thus, increasing the nonconformity of the existing structure. As such, the roof cannot be permitted under the provisions of HRMC 17.05.030. As such, the applicant requests a variance for relief from the height standard.

3. HRMC 17.18 – Variances

17.18.010 - Purpose. Where physical difficulties, unnecessary hardship, and results inconsistent with the general purpose of this Title may result from the strict applications of certain provisions thereof, a variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Title for the zone in which the land is located. In granting a variance, the City may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

FINDINGS: In general, the purpose of variances is to provide relief from the strict application of development standards in cases where lawful development of a property may not be otherwise feasible due to site or other conditions and where the proposed variation from the standard(s) does not adversely impact adjacent uses or conflict with the purpose for the standard.

The applicant provided a written narrative to explain why a variance should be granted to allow construction of a roof that exceeds the allowable building height but is lower than the tallest roof ridge of the structure (Attachment A).

In this case, the purpose of the maximum allowed building height is to provide a limit on the scale of residential development as it relates to vertical height in a manner that is applicable to all residential development in the R-3 zone.

17.18.020 - Procedure. The procedure for taking action in a variance application shall be as follows:

1. The property owner may initiate a request for a variance by filing an application with the Planning Director. The applicant shall submit a complete application as specified in the *Application and Plan Requirements* (Section 17.06.020).
2. The application shall include a statement and evidence showing that all of the criteria in Section 17.18.030 are met.
3. Before the Planning Commission may act on a variance application, it shall hold a public hearing following procedures established in *Review Procedures: Quasi-Judicial Actions* (Section 17.09.040).

FINDINGS: The property owner initiated the request for a Variance by filing an application with the Planning Director. The application includes a written narrative addressing the criteria for a variance (Attachment A). The Planning Commission is holding a public hearing to review the request for a variance, subject to the procedures for a Quasi-Judicial Action per HRMC 17.09.040. As such, the proposal is consistent with these requirements.

17.18.030 - Criteria for Granting a Variance. A variance may be granted if it meets all of the following criteria:

1. There are unique or unusual circumstances which apply to the site which do not typically apply elsewhere.

FINDINGS: The applicant states that the unique or unusual circumstance of the deck to be covered by the proposed structure is the “intense heat on the deck from direct, constant sun exposure” which results in an “expansion/contraction phenomenon that causes cracking” different from the other decks on the structure (Attachment A). The described current problem is that water is seeping into the substructure of the deck, which is located above living area in the structure.

The Planning Commission discussed the circumstances at length and agreed that the site exposure to Hood River weather conditions is not unique and that many other properties constructed at an allowed 35-foot building height are now subject to the 28-foot building height for modifications or additions. Staff does not have a feasible way to determine whether there are other nonconforming structures that exceed the current building height standard and were constructed with 3rd story, rooftop decks with southwest exposure. While some Planning Commissioners thought the combination of the structural problems, southwest exposure of deck, and change in building height standard is unique, there was not consensus that the application met this criterion.

2. The proposal’s benefits will be greater than any negative impacts on the development of the adjacent lawful uses; and will further the purpose and intent of this title and the Comprehensive Plan of the City.

FINDINGS: In the written narrative, the applicant suggests the benefit of the proposal is to “prevent irreversible structural damage” (Attachment A) caused by water and sun exposure on the deck. The applicant explains that the proposed roof structure will be lower than the roof ridge of the existing structure and designed to blend with the architectural style of the building. The applicant argues there will be no negative impacts on views from adjacent properties.

There are no specific policies or implementation strategies in the Comprehensive Plan addressing maximum building height. The Comprehensive Plan has housing goals including “promote and encourage the maintenance of existing housing and “homes are permitted within the City provided they meet the applicable building and safety codes and the requirements of the Zoning Ordinance.” As addressed in HRMC 17.01.020, the purpose of Title 17 is to provide the principal means of implementation of the Comprehensive Plan. Staff notes that the preamble for Ordinance 1920 suggests the impetus for the change in building height was community input expressing concern about the height, bulk, and scale of residential development.

Adjacent lawful uses include townhouses to the west (East Pointe Estates PUD; File No. 2002-27), an existing single-family dwelling (115 E. Hazel) and vacant lot to the south, and single-family dwellings to the north and east (across Hazel Ave.). The dwellings are constructed at various heights with varying existing grade elevations. It appears the townhouses located west of the subject property also were permitted and constructed using a 35-foot building height standard.

No letters were submitted from adjacent property owners in support of or in opposition to the Variance request. Two letters were submitted by a nearby property owners (Attachments H & I) who expressed opposition to the variance request.

Given that the height of the proposed roof structure is lower than the highest roof peak of the overall structure, the Planning Commission agreed that the expected benefits of a roof structure over the deck to resolve leaking issues outweighed the negative impacts on adjacent lawful uses.

3. The circumstances or conditions have not been willfully or purposely self-imposed.

FINDINGS: The applicant states that two circumstances or conditions were not willfully or self-imposed: the amended building height standard adopted after the applicant built the subject home, and the “act of nature” causing the damage to the structure. (Attachment A).

As noted above, the building height standard was amended by Ordinance 1920 in 2007. As a result, there are myriad residential structures in the city constructed at the previous allowed height of 35 feet that are now subject to the 28-foot standard for any redevelopment or additions. The Planning Commission agreed the change in standard was not self-imposed by the applicant. Comments from the City Building Official suggest that the root cause of the specific current problem is one of original design and construction (Attachment G). The Planning Commission agreed that even if design flaws led to the current problem, they were not purposely self-imposed by the applicant.

4. The variance requested is the minimum variance which would alleviate the hardship.

FINDINGS: The applicant states that the requested height of the proposed roof structure to cover the deck is “as flat as possible” and will tie into the “current roof line just above the deck’s door

header" with a height approximately 2 feet below the tallest roof ridge of the structure (Attachment A). According to the written narrative, the dimensions of the proposed roof cover are "only enough to shelter the deck" and the roof is needed to "prevent irreversible structural damage" (Attachment A). The applicant notes that alternative solutions, such as installing an awning or cooling system are impractical.

Comments from the City Building Official offer potential alternatives to building a roof cover over the deck to resolve the issue including installation of concrete or vinyl insulated deck materials (Attachment G). The Planning Commission discussed the potential scenario that a roof over the deck would not resolve the moisture issue because water could still get in the sides and re-applying the same fiberglass surface may still fail. The Planning Commission discussed potential alternatives including installation of roofing material between the living space and new, perhaps floating, deck material or abandonment of the deck and installation of roof material. These potential alternatives would not require a Variance to the building height standard, thus the Planning Commission determined that it was not clear a Variance was necessary to alleviate the hardship of the leaking deck. Given this, a majority of Planning Commissioners determined the application did not meet this criterion.

In sum, the Planning Commission determined the applicant had not demonstrated the application met all four Variance criteria.

17.18.040 - Time Limits. A variance is valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstance or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

FINDINGS: Not applicable.

17.18.050 - Limitations of Re-application. No reapplication of a property owner for a variance shall be considered by the Planning Commission within a six (6) months period immediately following a previous denial of such request.

FINDINGS: A new variance application will not be heard by the Planning Commission within the 6-month period following the written Notice of Decision, or the decision on an appeal, whichever is later.

- III. **CONCLUSIONS:** The city's Zoning Ordinance requires new development to meet maximum building height standards specified in the underlying zoning district of the affected property. In the Urban High Density Residential (R-3) Zone (and all residential zones), residential development is allowed a maximum height of 28 feet as measured from existing grade. The purpose for the building height standard, along with setbacks and lot coverage, is to provide a general limitations on the height, bulk, and scale of residential development.

The subject property was developed prior to the adoption of the current building height standard of 28 feet. At the time building permits were approved for the subject structure, the permitted

maximum building height was 35 feet. As such, the existing structure is considered a legal, nonconforming structure with respect to building height.

The applicant proposes to add a roof structure over an existing 3rd story deck in order to correct an apparent design and construction flaw that has resulted in damage to the deck from sun and water exposure. The applicant explained that problem is on-going and the owners have tried to address the problem by applying various deck sealants but have not achieved a long-term solution to the problem. The applicants explained that issue is now leading to structural damage of the deck substructure and propose a roof to cover the deck as the only feasible long-term solution. Because the proposed roof would be taller than the current maximum allowed building height, the applicants requested approval of a variance to allow construction of the proposed roof structure. The applicant submitted a written explanation of the circumstances that led to a request for a variance to the maximum building height standard for residential development (Attachment A).

As explained by the City Building Official, alternatives to the variance may include conventional construction methods such as reconstruction of the deck with concrete or vinyl insulated material (Attachment G). It does not appear that the owners have pursued these alternatives.

Comments were received from two nearby property owners (Attachments H & I) who object to the variance request.

Pursuant to HRMC 17.09.040(F.5), the applicant has the burden of proof to show how the application complies with the applicable criteria or can be made to comply through application of conditions of approval. To approve the Variance, the Planning Commission needs to make findings of consistency with each of the four variance criteria.

In its deliberation, the Planning Commission did not reach consensus that the application meets all four variance criteria.

IV. DECISION: Commissioner Frost moved and Commissioner Ramey seconded a motion to approve the Variance request based upon findings of consistency for the four Variance criteria. The motion failed with a 3-3 vote.

Commissioner Irving moved and Commissioner Price seconded a motion to deny the Variance request based upon staff findings as modified herein that the application does not meet all four Variance criteria. The motion passed with a 4-2 vote.

DENIED BY THE CITY OF HOOD RIVER PLANNING COMMISSION the 16th day of September, 2020.



Sue Powers, Acting Chair

ATTEST:



Jennifer Kaden, Associate Planner



CAMPBELL PHILLIPS PC
Attorneys at Law

June 1, 2020

City of Hood River Planning Department
211 2nd St.
Hood River, OR 97031
planning@cityofhoodriver.gov

Re: Variance Application

Dear Planning Department:

Enclosed please find three copies of a Variance Application for property located at 10 E. Point Ct., Hood River along with a check in the amount of \$1,933.00 for the application fee.

If you have any questions, please contact me at kcampbell@campbellphillipslaw.com or 541-371-5585. Thank you.

Sincerely,

CAMPBELL PHILLIPS PC

Kristen A. Campbell

KAC: bkd
By first class mail and email
Enclosures
Cc: Lisa Irwin and Tim Roddy

Attachment A - File No. 2020-14

File No.: _____
Fee: _____
Date Submitted: _____

CITY OF HOOD RIVER VARIANCE APPLICATION

Submit the completed application form with three (3) paper copies of all application materials including full- and reduced sized plans and written analysis, one electronic copy (original .pdf) and appropriate fees to the City of Hood River Planning Department, 211 2nd St., Hood River, OR 97031. Additional paper copies may be required as determined by staff. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT:

Name: Lisa Irwin and Tim Roddy
Address: 10 East Point Ct., Hood River, OR 97031
(physical)
(mailing) 19115 NE 42nd Ct., Ridgefield, WA 98642
(email) irwin36@msn.com
Telephone: 360-607-7557 (cell) Cell Phone: 503-819-6690
Signature: Lisa Irwin Tim Roddy and Lisa Irwin Roddy [Jun 1, 2020 15:07 PDT]

PARCEL OWNER: (if different than applicant)

Name: Same
Address:
(mailing)
Telephone: Cell Phone:
Signature:

**Authorization of parcel owner required.*

PARCEL INFORMATION:

Township 3N Range 10E Section 36AB Tax Lot(s) 6500
Current Zoning: R3 Parcel Size:

Property Location (cross streets or address): 10 E. Point Ct. Hood River, OR

REQUEST:

Type of: Interpretation Administrative relief Dimensional variance Inability to use land
Variance

Brief Explanation of Request:

REQUIRED WRITTEN ANALYSIS: (See Next Page)

INTRODUCTION

Lisa Irwin and Tim Roddy (“Applicants”) purchased a vacant parcel located at 10 East Point Court, Hood River, in 1998. See Deed attached as Exhibit A. The Applicants constructed their home in 2006. According to those architectural plans (the “Plans”), the height of the home is 32’10”.¹ See Plans attached as Exhibit B. It is important to note that at the time the home was constructed, the City of Hood River Municipal Code height limitation for this R-1 parcel was 35 feet.

Shortly after construction, the Applicants became aware of intense sun exposure on the south facing upper deck surface, which is an uncovered exposed deck (the “Deck”). See depiction on attached Exhibit B. The sun exposure is intense, constant and direct. By 2008, the sun was causing degradation in materials and systematic splitting and flaking of the entire surface of the Deck, which subjects the underlying structure to significant water damage and dry rot.

As evidenced below, over the course of 12 years the Applicants consulted with numerous experts in the field and have resurfaced the Deck several times with the recommended products. They have also explored alternatives such as awnings and cooling systems, which were not practical. Each and every measure has failed to date and water is seeping into the substructure and creating an unsafe situation. See photographs attached as Exhibit C.

As a last resort to prevent irreversible structural damage, Bell Engineering recently designed a plan to cover the Deck, which was submitted to the City at the end of February. The Applicants were advised that the City could not approve the plan due to revised height limitations. Specifically, the height limitation for this parcel is now 28 feet as opposed to the 35 feet limitation applicable when the Applicants constructed their home. See 17.03.030 Urban Low Density Residential Zone (R-3). Despite the fact that the roof cover would sit two feet below the peak of the home, the City opined that the deck cover would exceed the current limitations by 1.5 feet. After numerous subsequent conversations with the City in an effort aimed at resolution, the Applicant respectfully requests that the City grant this variance so that they may commence with covering the Deck before they endure damage.

ANALYSIS

1. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.

The origin of the problem is the intense heat on the deck surface from direct, constant sun exposure and the resulting expansion/contraction phenomenon that causes cracking. All

¹ Height references are best approximate calculations based on existing, attached, existing plans.

four additional decks on the home have original deck surface and are in excellent condition. Every product and measure recommended by various experts has failed. The sole remaining option is to cover the deck with solid structure to provide shade and protect against weather elements.

2. The proposal's benefits will be greater than any negative impacts on the development of the adjacent lawsuit uses; and will further the purpose and intent of this title and Comprehensive Plan.

This project will result in covering an area approximately 12 x 10 or 14 x 12 with a cover that blends in with the home and conforms to the character of the neighborhood. The cover would be approximately two feet or more below the existing peak. Moreover, this cover would in no way obstruct the view of any other adjacent parcel. In short, there will be no impact to any adjacent use.

3. The circumstances or conditions have not been willfully or purposely self-imposed.

The applicable height limitation was amended since the Applicant's purchased the property and built the home. The damage necessitating the cover is caused by an act of nature, over which the Applicants have no control. Further, the Applicants have made every reasonable effort, and expended substantial sums of money, to unsuccessfully remedy the situation short of filing for this variance.

4. The variance requested is the minimum variance that would alleviate the hardship. Provide an explanation indicating what measures you have explored as possible alternatives to the variance.

The proposed cover is two feet below the peak of the house. The proposed cover is a mere 14 feet long, only enough to shelter the Deck. The proposed pitch of the cover is as flat as possible, a mere 12 inch drop every 12 feet, as evidenced in the Plans. The following is a timeline of attempted alternatives:

Spring 2006: 5 decks (NE corner exposed deck, NW corner covered deck, south facing covered deck, NE covered deck and the subject SW exposed deck) were all surfaced using advanced waterproofing and industrial grade glass fiber resin sealant system². The contractor was Joe Szeremi of Polymite NW.

² Fiberglass is well regarded as one of the best deck coating materials to achieve a waterproof, weather-resistant surface.

During construction a scupper drainage system was installed on the Deck. This system has provided excellent drainage with no surface water accumulation since 2006. However, deterioration of the Deck surface has disrupted the grade flow of water.

Summer 2008:- Large cracking had uniformly developed on the Deck surface.

October 07, 2008 - Polymite NW stripped and resurfaced the Deck using the same fiberglass matrix system. \$1,000.00.

2010:- Large cracks had again developed on the Deck.

2011: Additional cracking compounded the existing large cracks. Applicants consulted with Ray Grimme, a renowned expert specializing in deck surfaces.

October 27, 2011: Mr. Grimes stripped and applied Durabak 18, a marine grade elastomer product, specifically regarded for its stretchability. Durabak 18 is intended for marine applications including pool decks along with other outdoor surfaces exposed to direct sunlight. \$1,370.00.

July 03, 2012: More cracking had developed and the Deck was resurfaced again using Durabak 18. \$485.00.

May 23, 2014 - Substantial cracking has developed. Applicants again consulted with decking specialists regarding different products that would withstand southwest sun exposure and resulting expansion and contraction. A marine grade polymer resin product with elasticity and flexibility properties was applied by Samuel Ortega. \$900.00.

August 03, 2017 - Significant cracking and flaking had again developed. Applicants undertook a complete deck resurface. \$1,000.00.

2018 – More cracking and flaking occurred. See photographic evidenced attached as Exhibit C. The Deck surface is now substantially deteriorated and has led to exposure of the wood substructure. This deck is directly above living space. Because of the disrupted surface, water accumulates and seeps into substructure. Applicants are concerned about the mounting water damage to underlying structure.

Fall 2019 -Applicants consulted with two construction contractors, SMP Construction and Hood River Construction (the initial architect and original structural engineer, respectively) to discuss other possibilities, including covering the deck. Both opined that the only long-term option is to cover the Deck with a roof structure. Tim Sweeney directed Applicants to Bell Engineering Design. Evony Hubert, a design engineer, designed a shed type cover that would tie into the current roof line just above the Deck's door header. Bell Engineering engineered the loads and build out with a design that conforms aesthetically

to the neighborhood. No one realized that this build out from the existing roof line, two feet below the peak, would subject the Applicants to height limitations that were revised since the original construction.

February 2020: – Bell Design plan was completed and submitted to the City. See Exhibit D.

Other Solutions Explored: 1) Cooled water mist system, which is not guaranteed to work and deemed impractical due to the volume of water required and the complexity of the engineering; and 2) awning system, which was deemed impractical with high winds.

CONCLUSION

According to the original architectural plans the subject house peak height is 32'10". The proposed cover is the minimal variance. Specifically, it would initiate at the roof line just above the deck's door header, at a flat pitch, around 2-2.5 feet below the existing peak of the home. The Applicants have exhausted all reasonable alternatives. The cover is critical to prevent further structural damage to the home and conforms to the character of the neighborhood. Finally, not only does the cover not impact any other view of adjacent parcels. Based on the foregoing, the Applicants respectfully request approval of a variance to allow for construction of the cover in accordance with the Bell Engineering plans.

HOOD RIVER COUNTY, OR 2011-01865
D-WD 06/27/2011 10:16 AM
Cnt=1 Str=14 LEAH DAY \$10.00 \$11.00 \$15.00 \$10.00 \$46.00

After recording return to:

Darin D. Honn
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205-3089

Send all tax statements to:

Timothy J. Roddy and Lisa M. Irwin,
Trustees
Roddy-Irwin Family Trust
19115 NE 42nd Court
Ridgefield, WA 98642



00034340201100018650030034

I certify that this instrument was received and recorded in the records of said county.

Brian D. Beebe, Director of Records and Assessment and Ex-Officio Recorder.

STATUTORY SPECIAL WARRANTY DEED

Timothy J. Roddy and Lisa M. Irwin, Grantors, convey and specially warrant to Timothy J. Roddy and Lisa M. Irwin, Trustees, Roddy-Irwin Family Trust, Grantee, the property located at 10 East Point Court, Hood River, Hood River County, Oregon, free of encumbrances created or suffered by the Grantor except as specifically set forth herein, and described on Exhibit A attached hereto and made a part hereof by this reference.

See attached Exhibit A

Tax Assessor's Parcel No. 3N10E36-AB-06500

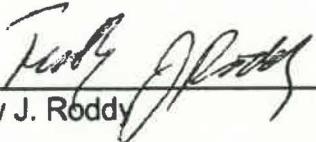
The true and actual consideration for this transfer is \$0 and consists of or includes other property or other value given or promised.

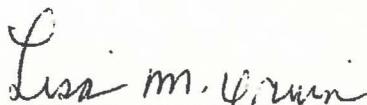
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE

RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON
LAWS 2009.

DATED this 14th day of June, 2011.

GRANTORS:


Timothy J. Roddy


Lisa M. Irwin

STATE OF OREGON)
)
County of Multnomah)

This instrument was acknowledged before me on June 14, 2011 by
Timothy J. Roddy.




Notary Public for Oregon
My Commission Expires: 2-7-15

STATE OF OREGON)
)
County of Multnomah)

This instrument was acknowledged before me on June 14, 2011 by
Lisa M. Irwin.



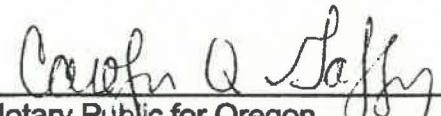

Notary Public for Oregon
My Commission Expires: 2-7-15

EXHIBIT A

Parcel I: Beginning at the Southeast corner of Lot 8, Block 6, WINANS ADDITION TO THE CITY OF HOOD RIVER, in the City of Hood River, County of Hood River and State of Oregon; thence Northwesterly to a point on the West line of said lot that is 40 feet North of the Southwest corner thereof; thence Northwesterly to a point in the centerline of East Second Street as now vacated that is 60 feet North of the South line of said Winans Addition; thence South 60 feet along said street centerline to the South line of said Winans Addition; thence Easterly along said South line 75 feet, more or less, to the point of beginning.

Parcel 2: Lot 5, Block 7, WINANS ADDITIONAL TO THE CITY OF HOOD RIVER, in the City of Hood River, County of Hood River and State of Oregon, EXCEPT that portion conveyed to the City of Hood River by deed, recorded September 12, 1974, as Recorder's Fee No. 741720, Film Records.---

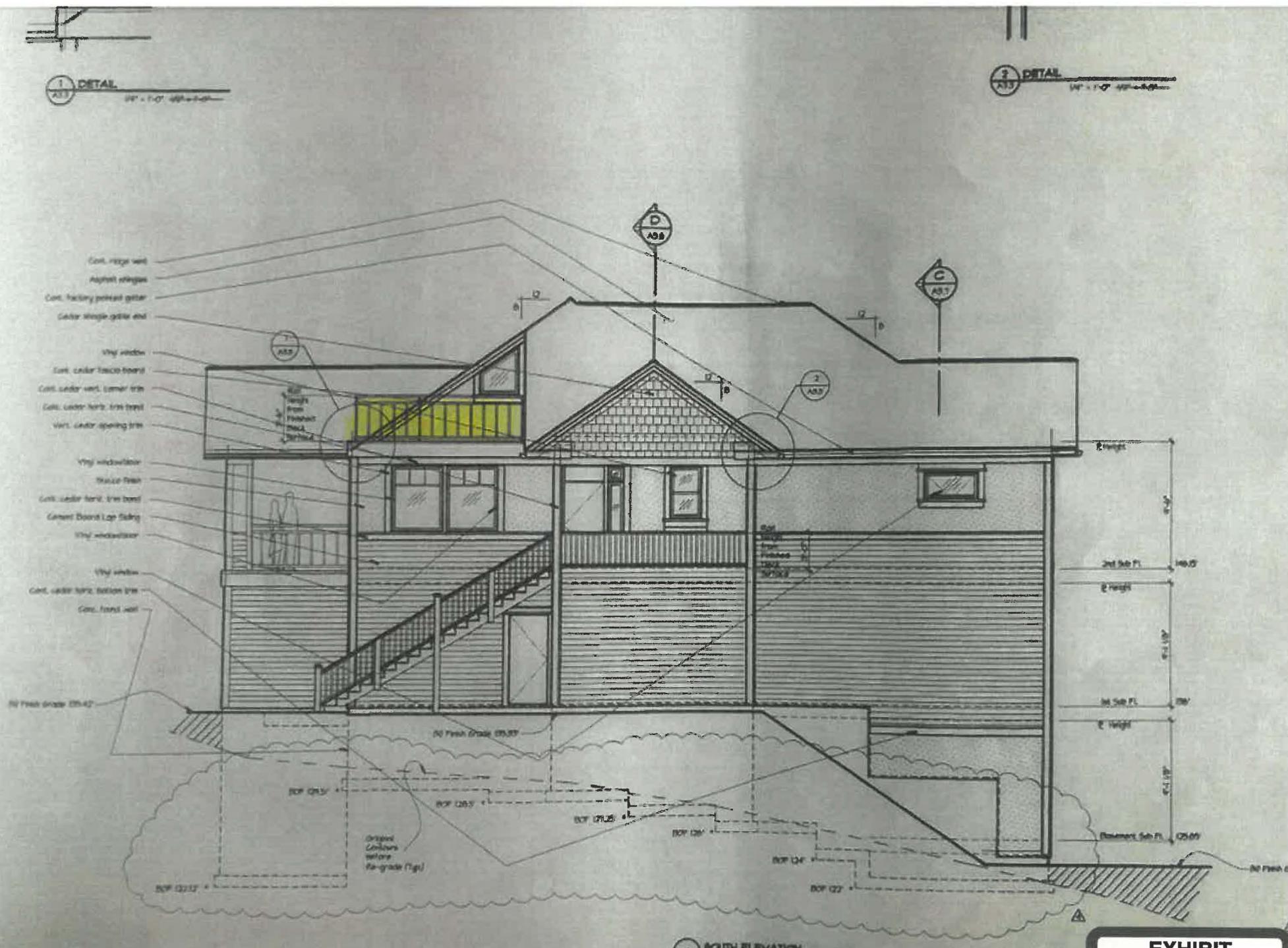
TOGETHER WITH that portion of vacated 2nd Street which inured thereto, by reason of the vaction thereof.---

EXHIBIT

A-3

tabbed

67



A **SOUTH ELEVATION**

EXHIBIT

B 68

十一

Roddy Residence

Hazel Street

Hood River, Oregon

HALF SIZE PRINTS
Note Revised Scale

SCHEDULE OF DRAWINGS

A0.1	TITLE SHEET	△ 07/04/04
A1.1	SITE PLAN	△ 05/18/04
A2.1	BASEMENT FLOOR PLAN	△ 04/26/04 △ 05/18/04
A2.2	FIRST FLOOR PLAN	△ 04/26/04 △ 05/18/04
A2.3	SECOND FLOOR PLAN	△ 04/26/04 △ 05/18/04
A2.4	ATTIC PLAN	△ 04/26/04 △ 05/18/04
A2.5	ROOF PLAN	△ 04/26/04 △ 05/18/04
A3.1	EXTERIOR ELEVATIONS	△ 05/18/04
A3.2	EXTERIOR ELEVATIONS	△ 05/18/04
A3.3	EXTERIOR ELEVATIONS	△ 05/18/04
A3.4	EXTERIOR ELEVATIONS	△ 05/18/04
A3.5	SECTION	△ 04/26/04 △ 05/18/04
A3.6	SECTION	△ 04/26/04 △ 05/18/04
A3.7	SECTION	△ 04/26/04 △ 05/18/04
A3.8	SECTION	△ 04/26/04 △ 05/18/04
A3.9	SECTION	△ 04/26/04 △ 05/18/04
A3.10	SECTION	△ 04/26/04 △ 05/18/04 △ 06/26/04
A4.1	not used	△ 06/26/04
A5.1	TYPICAL CONSTRUCTION NOTES	△ 06/26/04
A6.1	not used	
A7.1	INTERIOR ELEVATIONS	
A8.1	REFLECTED CEILING PLAN, FLOOR FINISHES PLAN	
A9.1	FINISH/DOOR/WINDOW SCHEDULES	△ 07/04/04
S1.1	LATERAL GACOS & BEAM SCHEDULE	△ 05/18/04 △ 06/26/04
S2.1	FOUNDATION PLAN	△ 05/18/04 △ 06/26/04 △ 07/04/04
S2.2	CREME SPACE WALLS & BASEMENT FLOOR - FRAMING PLAN	△ 05/18/04
S2.3	BASEMENT WALLS & FIRST FLOOR - FRAMING PLAN	△ 05/18/04
S2.4	FIRST FLOOR WALLS & SECOND FLOOR - FRAMING PLAN	△ 05/18/04
S2.5	SECOND FLOOR WALLS & ATTIC FLOOR - FRAMING PLAN - ROOF SUPPORT FRAMING	△ 05/18/04 △ 06/26/04
S2.6	ATTIC WALLS & ROOF SUPPORT FRAMING ABOVE ATTIC	△ 05/18/04
S2.7	ROOF FRAMING PLAN	△ 05/18/04
S2.8	STRUCTURAL ELEVATIONS	△ 07/04/04
S2.9	STRUCTURAL DETAILS - FRAME A	△ 05/18/04
S2.10	STRUCTURAL DETAILS - GARAGE DOOR WALL	△ 05/18/04 △ 06/26/04
S2.11	STRUCTURAL DETAILS - TYPICAL DRAG STRUT DETAIL	△ 05/18/04
S2.12	STRUCTURAL DETAILS	△ 05/18/04 △ 06/26/04
S2.13	STRUCTURAL DETAILS	△ 05/18/04 △ 06/26/04
M1.1	MECHANICAL NOTES & SCHEDULES (not incl at this time)	△ 05/18/04
M2.1	MECHANICAL PLAN - BASEMENT	△ 07/04/04
M2.2	MECHANICAL PLAN - FIRST FLOOR	△ 07/04/04
M2.3	MECHANICAL PLAN - SECOND FLOOR	△ 05/18/04 △ 06/26/04 △ 07/04/04
M2.4	MECHANICAL PLAN - ATTIC (not included at this time)	
E1.1	ELECTRICAL NOTES & SCHEDULES (not included at this time)	△ 07/04/04
E2.1	ELECTRICAL PLAN - BASEMENT	△ 07/04/04
E2.2	ELECTRICAL PLAN - FIRST FLOOR	△ 07/04/04
E2.3	ELECTRICAL PLAN - SECOND FLOOR	△ 07/04/04
E2.4	ELECTRICAL PLAN - ATTIC	△ 07/04/04

Square Footage Totals					
	Basement	First Floor	Second Floor	Attic	Sub Totals
Living Area	1521 sq ft	1524 sq ft	1998 sq ft	-	5041 sq ft
Garage Area	-	813 sq ft	-	-	813 sq ft
Other	-	-	-	371 sq ft	371 sq ft
Deck Area	-	162 sq ft	231 sq ft	263 sq ft	662 sq ft
Total Per Floor w/o Deck Areas	1521 sq ft	2337 sq ft	1998 sq ft	371 sq ft	6233 sq ft

REVISIONS

* * *

△ REVISION 1 - 04/26/04
SEE SCHEDULE OF DRAW

△ REVISION 3 - 06/26/04
SEE SCHEDULE OF DRAW

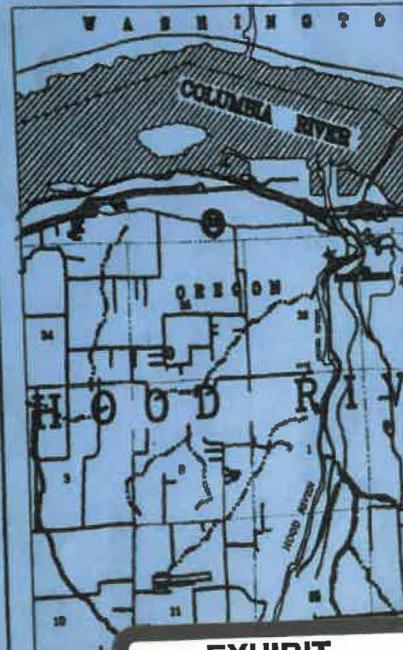
LEGAL DESCRIPTION

TAX LOT 6500, SECTION 35AD,
TOWNSHIP 3 NORTH, RANGE 10 E,
HOOD RIVER, OREGON

DIRECTORY

ARCHITECT:
Arthur Larsen, Architect pc
100 E Port Martin Drive, Suite 100
Hood River, OR 97083-2545
(541) 386-5431 Tel
(541) 381-3241 Fax
larsenarch@george.net

STRUCTURAL CONSULTANT:
Hoffner Consulting
PO Box 564
143 Jasper Lane
Mosier, OR 97040
hoffner@george.net



EXHIBIT

B-2

tables

ZONING NOTES:

Site has greater than 10' Elevation change.
Finish Grade is 124' at North,
Ridge is 42'-10".
Calc: $10' + 35' = 45'$ Allowable.

EXHIBIT

tabbies®

B-3
70



A photograph showing a close-up view of a light-colored, textured concrete wall. A dark blue tarp is draped over the left side of the frame, partially covering the wall. In the lower right corner, a red, cylindrical object, possibly a fire extinguisher or a canister, lies on the ground. The lighting creates strong shadows and highlights on the rough concrete surface.

EXHIBIT

tables*

C-1
71



EXHIBIT

tabbies®

C-2

72



EXHIBIT

tabbles

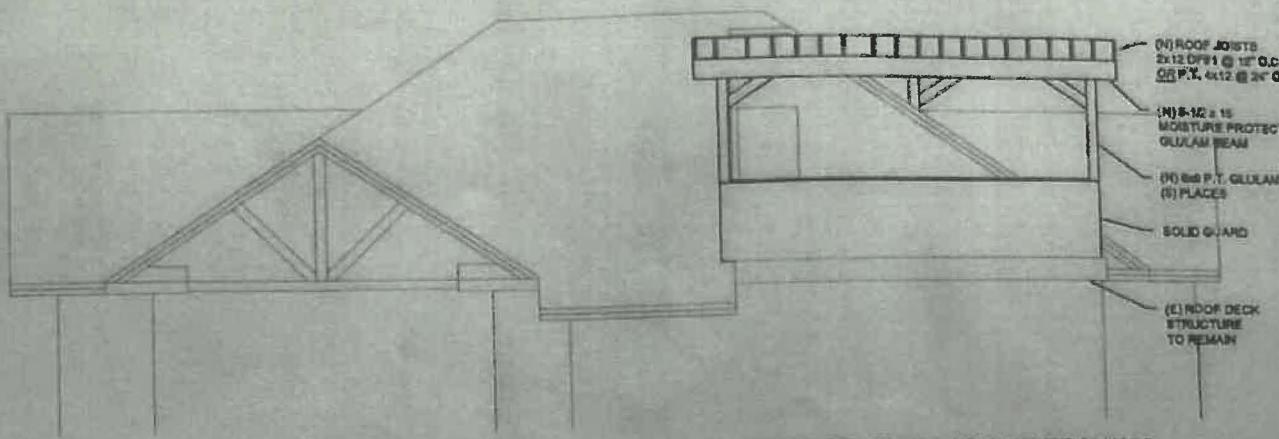
G-3
73



EXHIBIT

74-4

tabbles®



PARTIAL WEST ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.4 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002
FOR FULL BUILDING ELEVATION

(N) ROOF JOISTS
2x12 DPF1 @ 12" O.C.
OR P.T. 4x12 @ 24" O.C.

(N) 8-12 x 15
MOISTURE PROTECTED
GLULAM BEAM

(N) 8x8 P.T. GLULAM POST
(N) PLACES

SOLID GUARD

(E) ROOF DECK
STRUCTURE
TO REMAIN

KNEE BRACING
TYPICAL AT POSTS
OPEN GUARD
PER CODE

PARTIAL SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.3 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002
FOR FULL BUILDING ELEVATION

BELL DESIGN COMPANY

CIVIL ENGINEERING

LAND SURVEYING

900 WEST STEBBEN STREET, P.O.B. 306, BINGHAM, MA. 01860
PHONE (504) 443-2866 FAX (504) 443-2865



DECK COVER ADDITION

RODDY
RESIDENCE

10 E. POINTE CT. HODD RD.

SK-1

REMADE IN MA
JULY 1998
1998

EXHIBIT

Jennifer Kaden

From: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Sent: Thursday, September 3, 2020 9:14 AM
To: Jennifer Kaden
Subject: FW: Irwin VAR request; File No. 2020-14

Can you please supply this to the Commission ahead of the hearing?

From: Lisa Roddy <lirwin.roddy@gmail.com>
Sent: Thursday, September 3, 2020 4:52 AM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Subject: Fwd: Irwin VAR request; File No. 2020-14

A few edits. Also one thing that is a bit offensive is Danielle's flippant assumptions (that are not based on fact) about the quality of craftsmanship and design of the home. This home was meticulously planned over the course of two years using a well respected architect (35k) and engineering around 20k. We also consulted with city staff every step of the way, staff who were very pleasant to work with and we had great rapport with. My husband actually became a couple of the guys doctor. As far as I'm concerned the only thing we did wrong was not cover the deck from the beginning, which we had thought of doing but I thought we could add it later.

Sent from my iPad

Begin forwarded message:

From: Lisa Roddy <lirwin.roddy@gmail.com>
Date: September 1, 2020 at 11:38:50 AM PDT
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Subject: Re: Irwin VAR request; File No. 2020-14

Hi Kristen. I'm available anytime. Yes received. This whole thing is so emotionally and financially draining. So discouraging that one negative comment can cause us not to be approved.

Danielle does not understand the situation or process we have been through. We have never "patched" the deck surface but have fully removed the damaged fiberglass surface and reapplied multiple layers each time. The first re-do was done under warranty and we paid for product only. Other times we did ourselves with consultants physically helping. We have also had it resurfaced by subcontractors because the fumes landed my husband in the hospital.

This deck is not a cheap deck and was state of the art at the time. The initial install was quite spendy. Even today, the reviews are positive for fiberglass decking and it is still highly recommended as a tough durable deck surface that can withstand marine elements. We have four other decks with this surface and do not have one crack in any of the others in 14 years. The issue is the sun.

Over the years we have had different contractors including general contractors look at it and most conclude that we need to cover it. Both Tim Sweeney and Sean Palmieri recommend this. We thought about a roofing type product but felt that we were so done with trying to fix the surface that covering it made the most sense. It is also extremely hot up there making it unusable most of the time. We are not

able to use this space currently and have not for some time. This is great space with a fantastic view and we want to be able to enjoy it.

There is no roof surface underneath as Danielle seems to imply and the roof on the house is top of the line, 50 year. Of course we would use a non-combustible product to cover the deck. The house is also equipped with a sprinkler system for fire suppression. Below the deck is living space, which we are very concerned about water penetration. We built this home with top-of-the-line materials, used engineering extensively, and did not cut any corners. This is our retirement home and we built it to last. Art Larson was our architect and he is well respected. We took two years to design this home and worked closely with city staff during the entire process.

I reached out to Bell engineering, Tim Sweeney general contractor, and Sean Palmieri general contractor. Others we consulted with are retired and we have lost contact with them.

Do you know the hearing time or can they submit in writing?
Sent from my iPad

On Sep 1, 2020, at 9:30 AM, Kristen Campbell <kcampbell@campbellphillipslaw.com> wrote:

Hello Lisa. Did you receive these? I just received a call from Jennifer Kaden. She has advised me that her staff report to the Commission will indicate that there is not enough evidence for her to recommend the variance. This is based on Danielle's email and the suggestions that you may not have tried some of these other options. I know it is short notice, but do you feel like any of the builders or engineer would be willing to call in to refute this? Also, we should talk about some of these. What is a good time to talk?

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Tuesday, August 25, 2020 1:39 PM
To: irwin36@msn.com; Kristen Campbell <kcampbell@campbellphillipslaw.com>
Subject: Irwin VAR request; File No. 2020-14

Lisa and Kristen –
I wanted to share with you the comments I received from the City Building Official and City Fire Chief regarding the Variance request submitted for Lisa Irwin and Tim Roddy. These comments will be included in the record and staff report prepared for the Planning Commission public hearing to consider the variance request.

As explained previously, the staff report and meeting agenda will be ready provided to you one week ahead of the hearing scheduled for September 8, 2020.

Please let me know if you have any questions.

Thanks,
Jennifer

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street • Hood River, OR 97031 • P 541-387-5215

[<image001.png>](#)

DISCLAIMER: This e-mail is a public record of the City of Hood River and is subject to public disclosure unless exempt from disclosure under the Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

<Fire Chief comments.pdf>
<Building Official comments.pdf>
<Building Official email.pdf>

Jennifer Kaden

From: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Sent: Thursday, September 3, 2020 2:57 PM
To: Jennifer Kaden
Subject: FW: Builder update

One more. Tim and Sean are licensed contractors. I can't imagine these folks would have invested so much time, energy, effort and money were there other viable methods. Thank you.

-----Original Message-----

From: Lisa Roddy <lirwin.roddy@gmail.com>
Sent: Thursday, September 3, 2020 2:34 PM
To: Kristen Campbell <kcampbell@campbellphillipslaw.com>
Subject: Builder update

Hi Kristin.

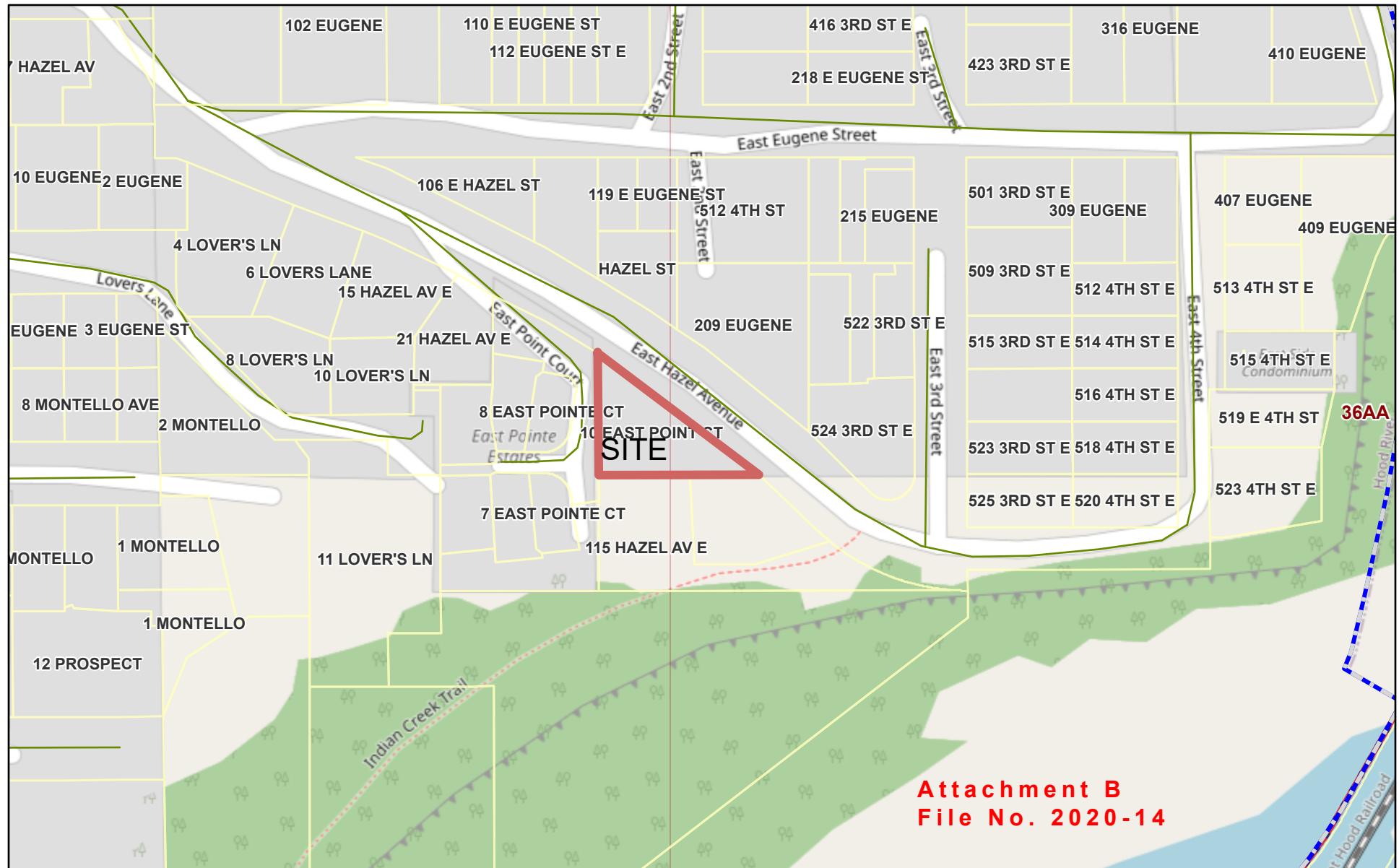
I wanted to update you on conversations I've had with both Sean Palmieri and Tim Sweeney. I have not heard from Bell engineering at this point. Both Sean and Tim looked at the deck last fall and feel that a cement deck would be too heavy and a vinyl deck or roofing tiles would not seal the deck adequately and prevent water from leaking into the living space below. They both thought fiberglass was still a great application and relevant for this setting. Both feel that the only way to protect the living space below and have it usable is to completely seal the deck space and put a structure over it.

I have not done a zoom call. Is this what we're going to be doing.... is there a link... do I need a code? [OB]

Lisa

Sent from my iPad

File No. 2020-14 - Location Map



**Attachment B
File No. 2020-14**

8/18/2020, 4:55:01 PM

1:2,257

 City Limits

 Hood River SITUS Addresses

 Urban Growth Boundary

 QuarterQuarterGRID

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

© OpenStreetMap (and) contributors, CC-BY-SA

6

**City of Hood River
Plan Review
04-0072**

Subject Address: 12 E. Point Court

Owner of Record: Tim Roddy
Lisa Irwin
19115 NE 42nd Ct.
Ridgefield, WA (360) 576-0338

Contractor: Not Determined

Description of Work: Construction of a new wood-framed Single Family Dwelling w/attached garage. House 5420 sq. ft.; Garage 813 sq. ft. Decks 662 sq. ft.

Codes of Reference: 2003 One and Two Family Dwelling Specialty Code.

Planning Comments:

Setback Requirements: The minimum setback requirements shall be as follows:

Front yard: No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets.

Side yard: No structure shall be placed closer than 8 feet from the side property line for building heights from 28-35 feet.

Rear yard: No structure shall be placed closer than 10 feet from the rear property line building heights from 28-35 feet.

Projections: Projections may not encroach more than three (3) inches for each foot of required yard width.

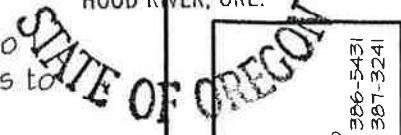
The property is triangular shaped and consists of 2 side yards and 1 front yard.

Maximum Building Height: 35 feet. As proposed the building exceeds 28 feet but is below 35 feet with the 10' slope accommodation and meets 8 foot setbacks.

ANY CHANGES TO THE SUBMITTED SITE PLAN REQUIRE REVIEW AND APPROVAL BY THE CITY.

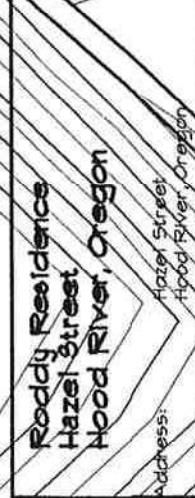
Fire Comments:

The following requirements of the Oregon Uniform Fire Code (OUFC), 1998 edition, and the Urban Wildland Interface Code, 2000 edition, shall be met prior



100 E Port Marina Drive, Suite 100
HOOD RIVER, OR 97081 (541) 386-5431
larsenarch@qorge.net FAX (541) 387-3241

~~ARTHUR
R.
LARSEN
ARCHITECT~~



SITE PLAN

51

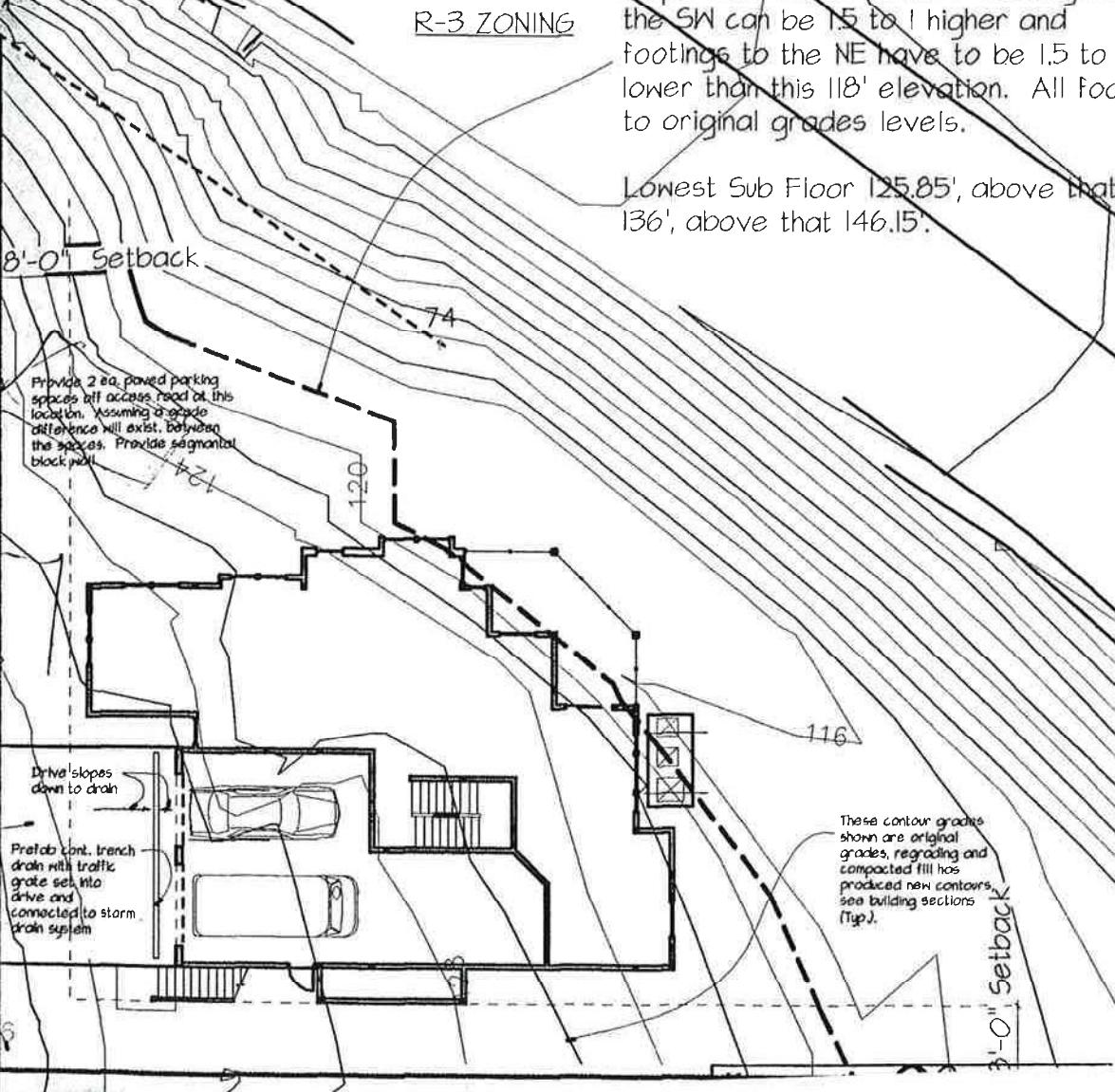
Job No: 28002
Date:

A.1.1

R-3 ZONING

This 118' contour is the line of 1.5 to 1 slope from Hazel Street. Footings to the SW can be 15% higher and footings to the NE have to be 1.5 to 1 lower than this 118' elevation. All footing to original grades levels.

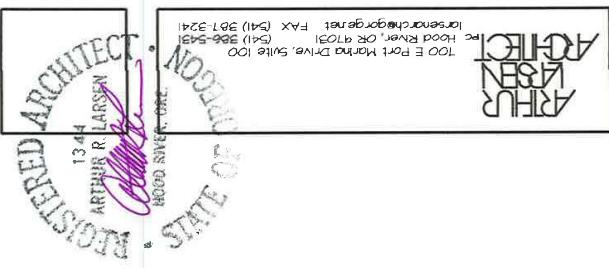
Lowest Sub Floor 125.85', above that 136', above that 146.15'.



Zone:	R3
Front setback:	10/20
Side setback:	2'
Rear setback:	corner
Parking:	2 per unit
It is the property owner's responsibility to know the legal location of their property lines.	

Height: 35'

(2 units = 4 spaces)

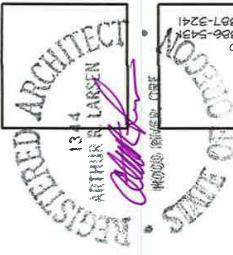


Roddy Residence
Hazel Street
Hood River, Oregon
Site Address: Hazel Street
Hood River, Oregon

A3.1

HALF REINFORCED
NOTE
SIZE PRINTER
ON 12/24
ON 12/20
ON 12/16
ON 12/15
ON 12/14





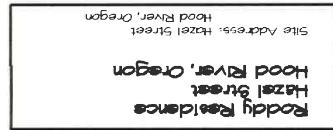
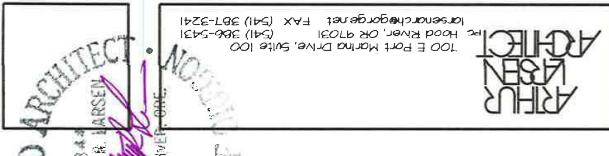
A&E TWO EIGHTTY MILE MILEHOUSE DRIVE, SUITE 100
HOOD RIVER, OR 97081 (541) 386-5494
FAX (541) 387-3241

Site Address: Hazel Street
Hood River, Oregon

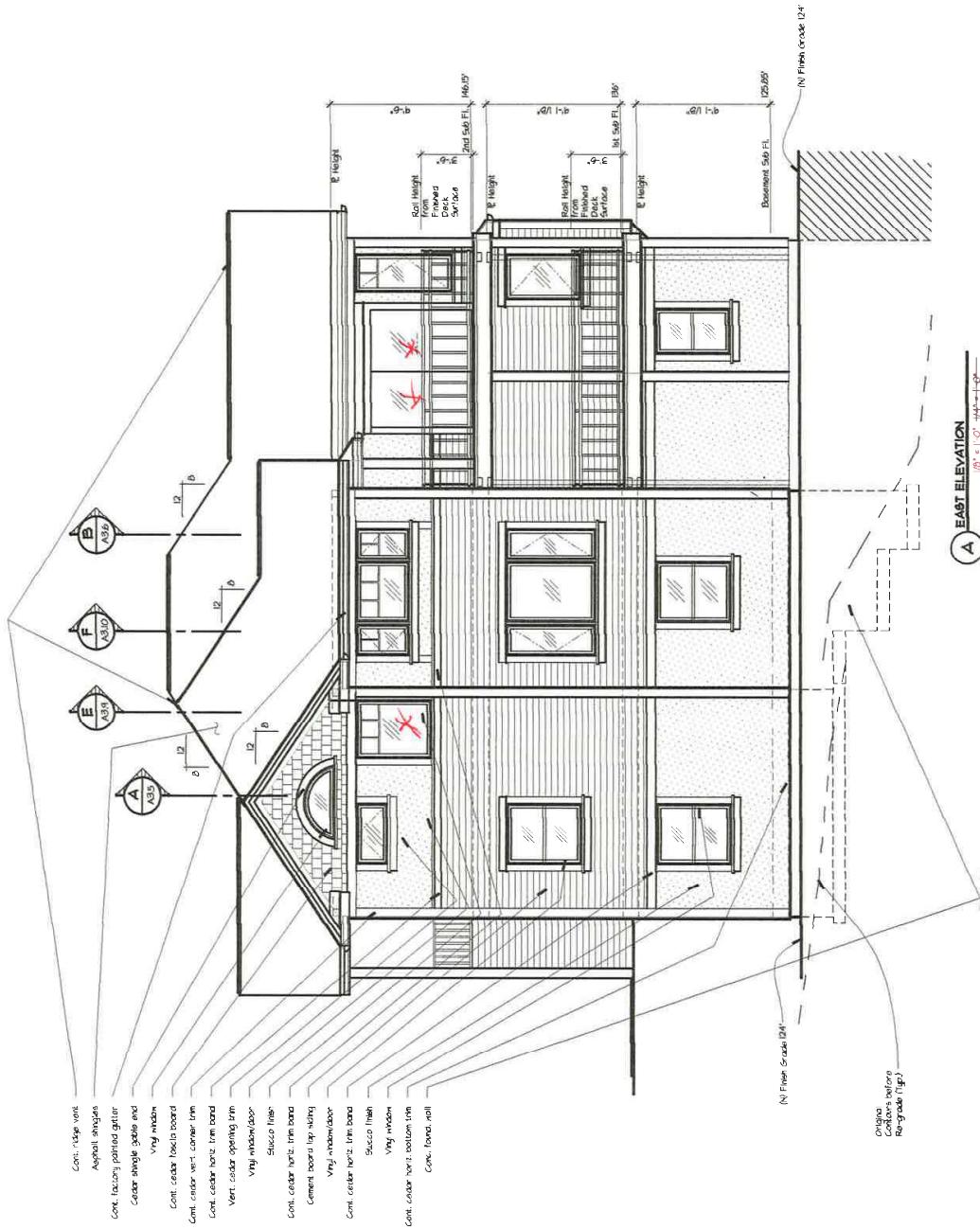
ELEVATIONS
ALTERNATE 6B

04/14/04 02/04/03





10



REGISTERED ARCHITECT
ARTHUR R. LARSEN
HOOD RIVER, ORE.
STATE OF OREGON

1344
TOO E Port Marina Drive, Suite 100
Oregon Architectural Net FAX (541) 386-5431
Hood River, OR 97083 (541) 386-5431

Site Address: Hood River, Oregon
Hood River Street

Roddy Residences
Hood River, Oregon

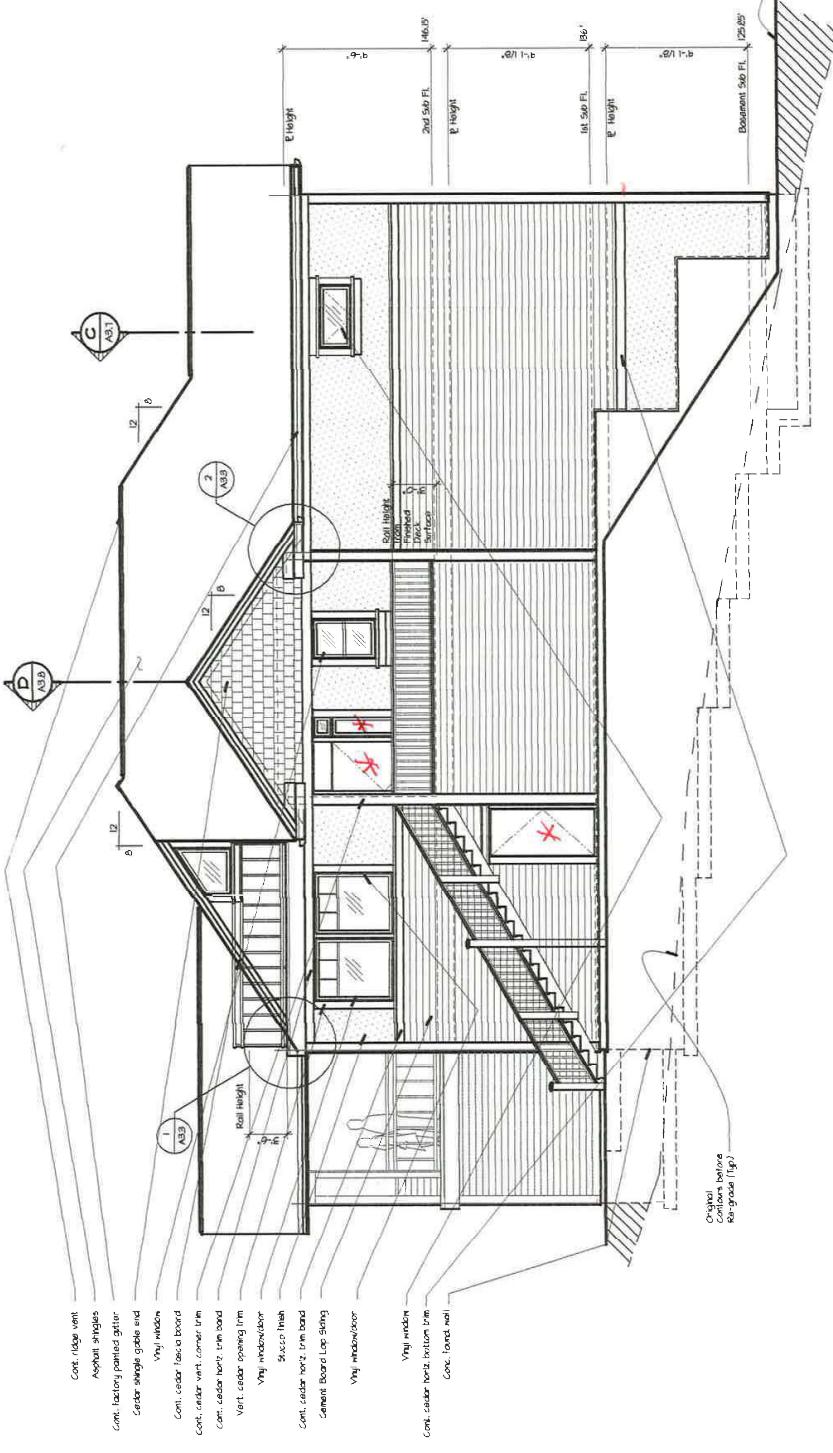
ELEVATIONS

A3.3

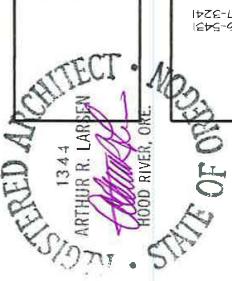
SIZE PRINTS
LARGE
NOTES
REVIEWS



1 DETAIL
1'-0" x 1'-0" = 1'-0"



A SOUTH ELEVATION
1'-0" x 1'-0" = 1'-0"



100 E Port Marina Drive, Suite 100
Blood River, OR 97031 (541) 366-5431
resnarchgrge.net FAX (541) 367-3241

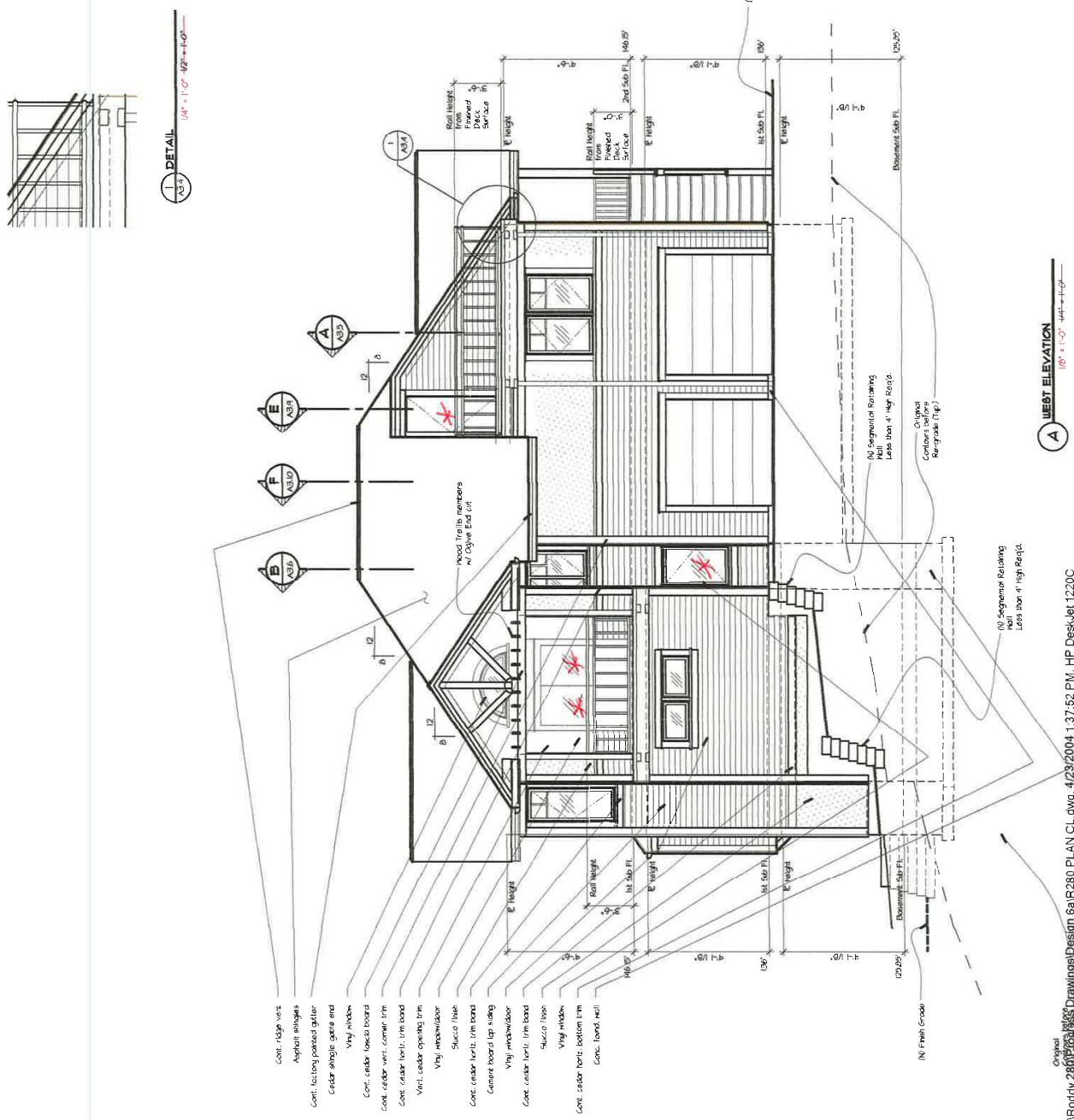
ARTHUR
NASEN
ACHIEVEMENT

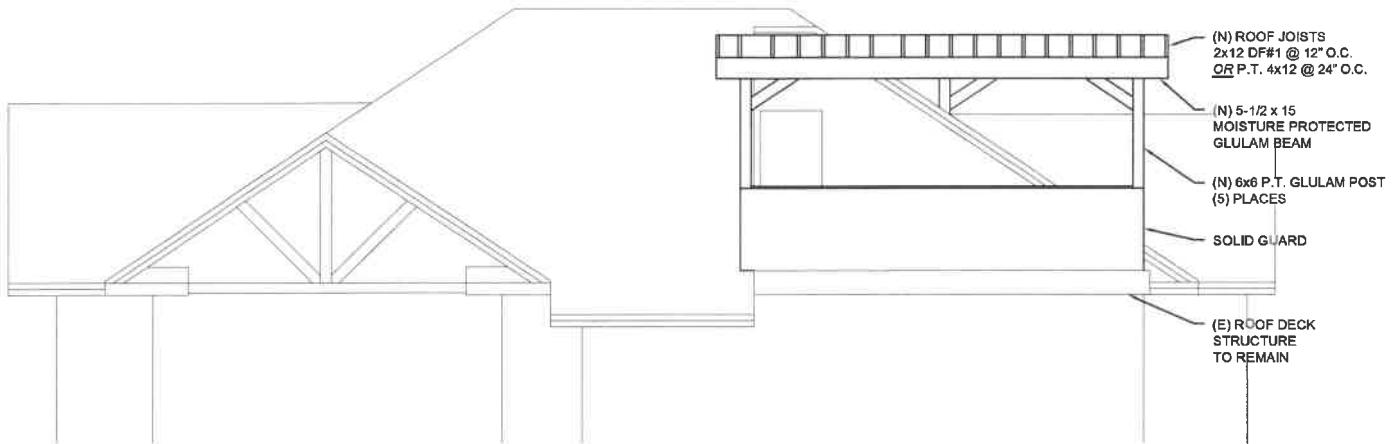
Hood River, Oregon
Hazel Street, Hazel Street
Hoddy Reddicens

10

Job No: 2B002
Date:

87

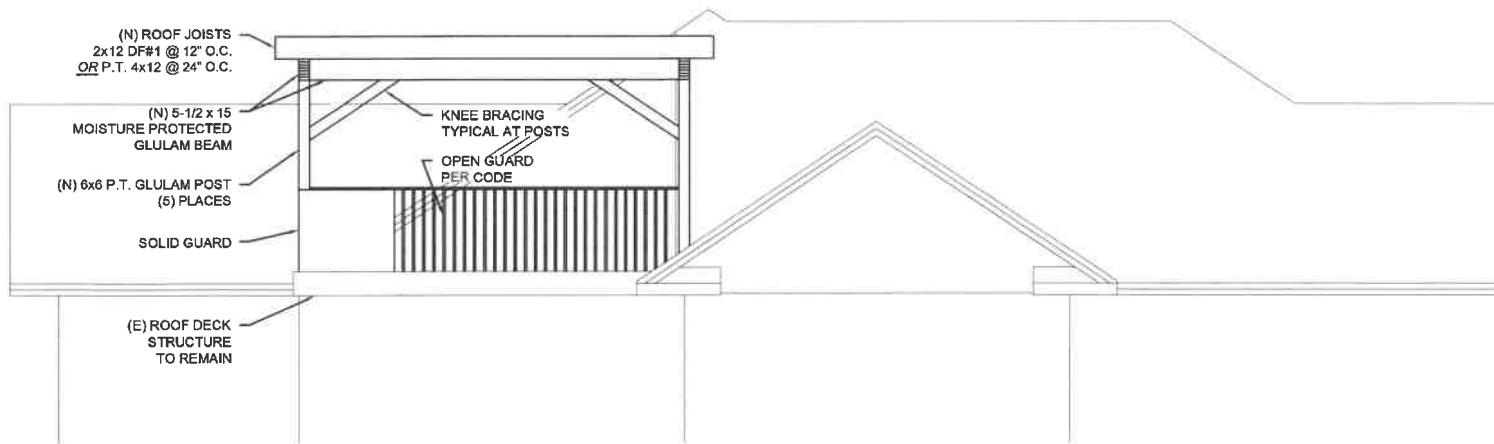




PARTIAL WEST ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.4 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002
FOR FULL BUILDING ELEVATION



PARTIAL SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.3 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002
FOR FULL BUILDING ELEVATION

Attachment D - File No. 2020-14

BELL DESIGN COMPANY

CIVIL ENGINEERING

LAND SURVEYING

400 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605
PHONE (509) 493-3806 FAX (509) 493-3805



DECK COVER ADDITION

RODDY
RESIDENCE

10 E. POINTE CT. HOOD RIVER, OR

SK-1

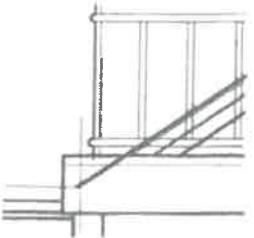
REPLACES DETAIL NA

JOB NO. 198288

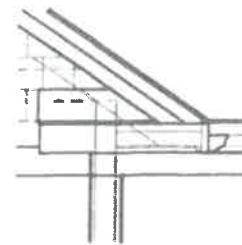
PAGE 89

DRAWN BY EAH

CHECKED BY DAB



1 DETAIL
A3.3 14' = 1'-0" 42" - 1-0"



2 DETAIL
A3.3 14' = 1'-0" 42" - 1-0"

SEE STREET SK-1
BY PDC FOR
PROPOSED MODIFICATION

Cont. ridge vent
Asphalt shingles
Cont. factory painted gutter
Cedar shingle gable end

Vinyl window
Cont. cedar fascia board
Cont. cedar vert. corner trim
Cont. cedar horiz. trim band
Vert. cedar opening trim

Vinyl window/door
Stucco finish
Cont. cedar horiz. trim band
Cement Board Lap Siding
Vinyl window/door

Vinyl window
Cont. cedar horiz. bottom trim
Conc. pound wall

(N) Finish Grade 135.42'

(N) Finish Grade 135.33'

BOF 120.5'

BOF 120.5'

BOF 121.25'

BOF 126'

BOF 124'

BOF 122'

Basement End FL 125.05'

(N) Finish Grade 124'

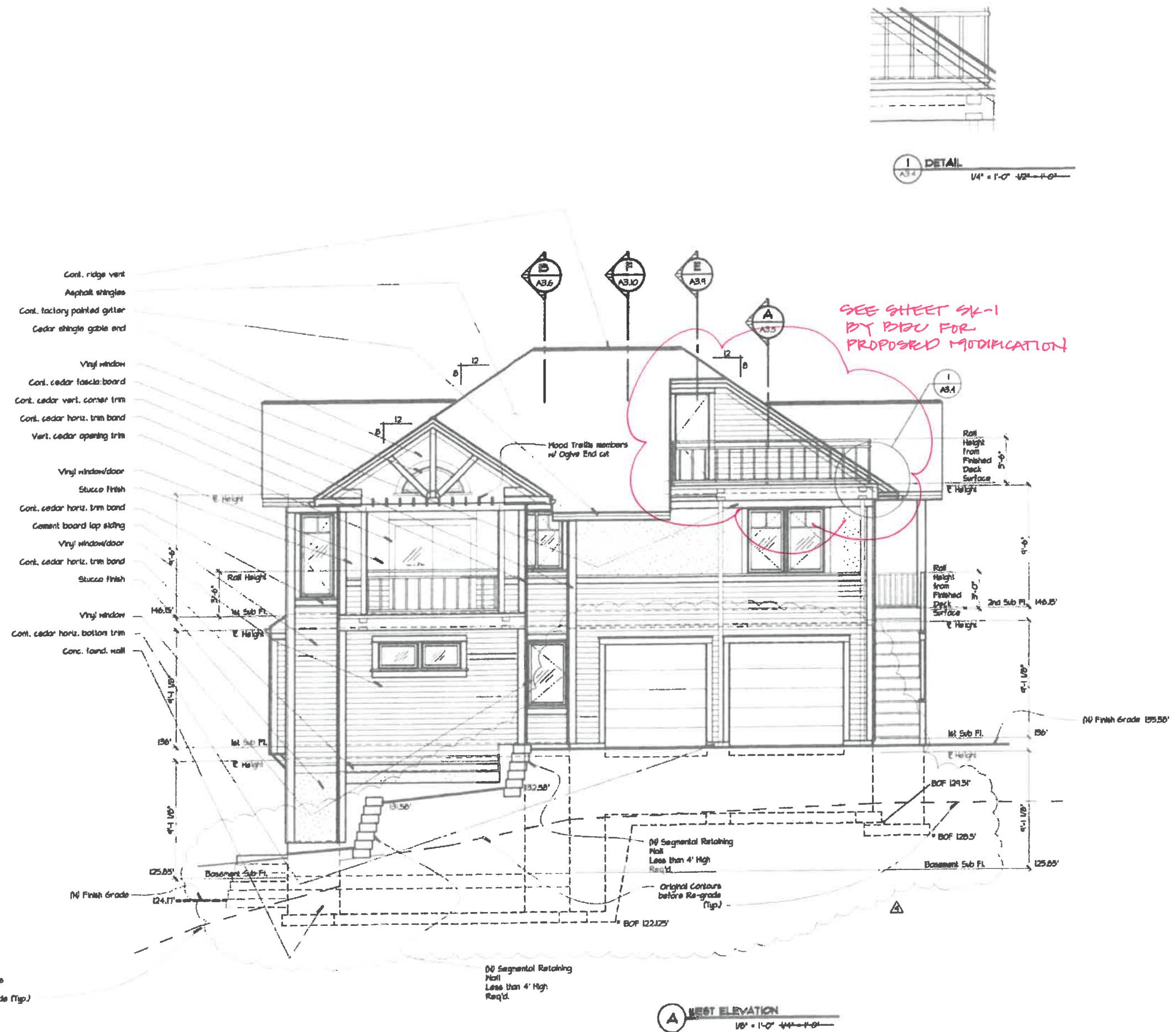
Original
Contours
before
Re-grade (typ.)

A SOUTH ELEVATION
16' = 1'-0" 42" - 1-0"

HALF SIZE PRINTS
Note Revised Scale

- ▲ REVISION 4- OCT/2004 FOUNDATION DEPTHS/ ELECTRICAL/ PLUMBING
- ▲ REVISION 2- 05/10/04 BOTTOM OF FOOTING ELEVATIONS ADDED

A3.3



100 E Port Martha Drive, Suite 100
Hood River, OR 97081 (541) 386-5431
larsenarcheorge.net FAX (541) 387-3241

ARTHUR
LANGE
ARCHITECT

Hood River, Oregon
Post Office Address: Hood River, Oregon

Job No: 28002
Date:

Δ34

**HALF SIZE PRINTS
Note Revised Scale**

**REVISION 4- 07/04/04
FOUNDATION DEPTH/ELECTRICAL/PLUMBING**

**REVISION 2- 05/10/04
BOTTOM OF FOOTINGS ELEVATIONS ADDED**

ORDINANCE NO. 1920

JR
BY ~~JR~~ CODIFIED
Date 1/8/09

(An ordinance Sections 17.03.010—Urban Low Density Residential Zone (R-1), 17.03.020—Urban Standard Density Residential Zone (R-2), 17.03.030—Urban High Density Residential Zone (R-3) and 17.05.040—Non-Conforming Uses and Structures—Exceptions, of the Hood River Municipal Code)

WHEREAS, the City undertook a visioning process that involved a written survey and town hall meetings;

WHEREAS, the following amendments to Title 17 respond to issues raised during the visioning process;

WHEREAS, the following amendments are consistent with the City's Comprehensive Plan as set forth in the attached Findings of Fact and Conclusions of Law, which are approved and hereby incorporated by reference;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Sections 17.03.010, .020, and .030 of the Hood River Municipal Code are amended to read as follows (additions shown in underline and deletions shown in strike out):

17.03.10 Urban Low Density Residential Zone (R-1)

A. Permitted Uses.

1. Single family dwellings and accessory structures
2. Home Occupations
3. Manufactured homes
4. Mobile home parks
5. Family day care
6. Residential care facilities
7. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches

C. Site Development Requirements.

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.

2. The minimum requirements for building sites are as follows:
 - a. Per dwelling, unit a minimum of 7,000 square feet.
 - b. A minimum frontage of fifty (50) feet on a dedicated public street.
 - c. A minimum frontage of thirty (30) feet on a public dedicated cul-de-sac.
3. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than six (6) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height:

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

* * *

[the remainder of this section intentionally omitted]

17.03.20 Urban Standard Density Residential Zone (R-2)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes
3. Home occupations
4. Manufactured homes
5. Bed and breakfast facilities
6. Mobile home parks
7. Family day care
8. Residential care facilities

9. Group residential, if less than fifteen (15) persons
10. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Townhouse projects

C. Site Development Standards.

The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/ rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

* * *

[the remainder of this section intentionally omitted]

17.03.30 Urban High Density Residential Zone (R-3)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes and triplexes
3. Multi-family dwellings, subject to site plan review
4. Rooming and boarding houses
5. Manufactured homes
6. Home occupations
7. Bed and breakfast facilities
8. Mobile home parks
9. Family day care
10. Residential care facilities
11. Group residential, if fifteen (15) or more persons, subject to site plan review
12. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

1. Hospitals, sanatoriums, rest homes, nursing or convalescent home
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Planned unit developments
7. Professional offices
8. Hostels
9. Townhouse projects

C. Site Development Requirements.

1. Minimum Lot Size: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. The minimum requirements for building sites are as follows:
 - a. Per dwelling unit or duplex: A minimum area of 5,000 square feet.
 - b. Per townhouse building: A minimum of 5,000 square feet for the first two (2) residential units and 1,500 square feet each for any additional residential units.
 - c. A minimum frontage of fifty (50) feet on a dedicated public street.
 - d. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
3. Lot coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a public dedicated street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the public dedicated streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than five (5) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
 - e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential uses may be conditionally permitted up to thirty-five (35) feet pursuant to Chapter 17.06 (Conditional Uses).

* * *

[the remainder of this section intentionally omitted]

Section 17.05.040 of the Hood River Municipal Code is amended to read as follows (additions shown in underline and deletions shown in strike out):

17.05.040 Exceptions

Any nonconforming structure being used for a residential use before the enactment of this ordinance may be

1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of residential units, and serves the same use as the original structure.
2. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:

- a. The structure maintains the same or fewer number of residential units.
- b. The setback requirements for residential dwellings are met. In cases where the structure does not meet the residential zoning setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon the setback requirements.
- c. The residential off-street parking requirement shall not be reduced.
- d. The nonconforming structure is not located in an existing City right-of-way.
- e. The modification or enlargement does not exceed the allowed maximum building height.

Read for the first time: November 27, 2006.

Read for the second time and passed: December 11, 2006, to become effective thirty (30) days hence.

Signed December 12, 2006.



Linda Streich
Linda Streich, Mayor

ATTEST:



Jill Rommel, City Recorder

**BEFORE THE CITY OF HOOD RIVER CITY COUNCIL
HOOD RIVER, OREGON**

In the Matter of the Title 17)
Amendments—Lot Coverage,)
Townhouses as Conditional)
Uses, Bed and Breakfast)
Parking

FINDINGS AND CONCLUSIONS

I. BACKGROUND INFORMATION: These proposed amendments to Title 17 reduce the building height for residential uses in the R-1, R-2, and R-3 zones (except for multi-family). These are part of the several code amendments drafted in response to the extensive visioning process the City undertook over the last 18 months. That process included a written questionnaire mailed to all City residents and several town hall meetings. The overwhelming response from the visioning process led City staff to look at possible code amendments that would address citizen concern for the increasing height, bulk and scale of development, with the proliferation of townhouse projects and increasingly larger homes being the focus of attention.

II. REQUEST: The City of Hood River made application to amend the Hood River Municipal Code as shown in Ordinance 1920.

III. APPLICABLE ORDINANCE CRITERIA:

HRMC, Chapter 17.09.050 – Legislative Actions.
HRMC, Chapter 17.09.100 – Criteria for Approval.

A. A. 17.09.050 – Legislative Actions

Section 17.09.050 sets out the notice and hearing procedures to be followed for legislative ordinance amendments. This is a legislative ordinance amendment because it is broad in scope and does not affect few property owners or properties.

These ordinance amendments were initiated by the Council.

Public hearings are required by 17.09.050 were held before the Planning Commission and the City Council. The Planning Commission's recommendation is contained in the record.

Notices in accordance with Section 17.09.050 were provided and copies of the notices are contained in the record.

B. 17.09.100—Criteria for Approval

This provision states that the applicant, in this case the City, has the burden of proof to show that the propose ordinance amendments comply with the City's Comprehensive Plan, the Statewide Planning Goals, and the applicable provisions of the Oregon Revised Statutes and the Hood River Municipal Code. Council finds that the City has met its burden of proof.

I. COMPREHENSIVE PLAN

GOAL 1 - CITIZEN INVOLVEMENT: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures have been followed to process this legislative ordinance amendment.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

This legislative ordinance amendment follows the process and meets the applicable ordinance provisions.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands for forest uses.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural, historic, and scenic resources.

The ordinance amendments will not adversely impact any Goal 5 resources and will increase the amount of open space in development due to the lot coverage limitations.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the planning area to provide a relatively pollution free environment.

The proposed ordinance amendments will not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

Not applicable.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the community and visitors to the area.

Not applicable.

GOAL 9 - ECONOMY: To diversify and improve the economy of the Hood River planning area.

Not applicable.

GOAL 10 - HOUSING: To provide for the housing needs of the residents of Hood River.

The proposed ordinance amendments will not reduce the amount of land available for housing.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Not applicable.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system, realizing maximum mobility for the citizens of the community.

Not applicable.

GOAL 13 - ENERGY CONSERVATION: To conserve energy and encourage the use of renewable energy resources.

Not applicable.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

Not applicable.

4. STATEWIDE PLANNING GOALS & GUIDELINES:

GOAL 1 - CITIZEN INVOLVEMENT: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures have been followed to process these ordinance amendments.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The request has been evaluated and processed according to an acknowledged Comprehensive Plan and Zoning Ordinance.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural and scenic resources.

See comments under City Comprehensive Plan Goal 5.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the state.

The proposed ordinance amendments do not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

Not applicable.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Not applicable.

GOAL 9 - ECONOMY: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Not applicable.

GOAL 10 - HOUSING: To provide for the housing needs of the citizens of the state.

See findings under City Goal 10 above.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Not applicable.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system.

Not applicable.

GOAL 13 - ENERGY CONSERVATION: To conserve energy.

Not applicable.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

DECISION: Based on the above Findings and Conclusions, the City Council approves the proposed ordinance amendments as shown in Ordinance 1920.

Jennifer Kaden

From: Leonard Damian
Sent: Thursday, July 9, 2020 2:41 PM
To: Jennifer Kaden; Danielle Meyers
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer

From my perspective, the critical issue is that this is within the WUI area, making the material choices essential as it is exposed. However, the overall height is still below the current height of the building, and any new item would be mute related to the existing building and access.

I'm glad to discuss if I'm missing anything....

--Leonard

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Thursday, July 9, 2020 11:17 AM
To: Leonard Damian <L.Damian@cityofhoodriver.gov>; Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Subject: Request for Comments - File No. 2020-14; Irwin Variance

Hi Leonard & Danielle –

This is a Request for Comments for a Variance application – File No. 2020-14 (Irwin). Property location is 10 East Point Court (3N10E36AB Tax Lot 6500). The applicant is requesting an exception to the building height in order to construct a roof over an existing 3rd story deck. The existing house and proposed roof exceed current allowed maximum building height. (See P. 17 of attachment for drawing of proposed roof addition)

We are scheduling a hearing before the Planning Commission for this application on September 8th. Please provide any comments you have – e.g. key issues for a building permit if it is approved or concerns about the proposal from a fire or building code perspective – by Friday, August 14, 2020.

Please let me know if you have any questions or need additional information.

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 • P 541-387-5215

Attachment F - File No. 2020-14



DISCLAIMER: This e-mail is a public record of the City of Hood River and is subject to public disclosure unless exempt from disclosure under the Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

Jennifer Kaden

From: Danielle Meyers
Sent: Friday, July 10, 2020 8:32 AM
To: Jennifer Kaden; Leonard Damian
Cc: Danielle Meyers
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jennifer,

I agree with what Leonard state, if they end up getting approved for a roof covering, we would want it to be of non-combustible construction. I am glad they have an engineered design.

As a side note, I don't buy into the fact that they need it covered in order to maintain a safe and non-damaged deck surface. From their history, the products they chose and the low prices they paid it appears they never had a quality product to put on to begin with and then kept patching it. They mentioned 2 years after having the decks done and coated because of failing, they had the same company back out to repair it and they paid \$1000. It should have been warrantied. I guess what I am saying, is if you don't approve it, they would have a solution to not have a failing deck. They would likely hire a good roofing contractor and do a concrete deck or a vinyl insulated deck and could put some non combustible pavers on top for walking. There could also be some moisture trapped in the roof below the deck, as I don't know how well the house was constructed or if it is time for a new roof, etc.

Danielle

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Thursday, July 9, 2020 11:17 AM
To: Leonard Damian <L.Damian@cityofhoodriver.gov>; Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Subject: Request for Comments - File No. 2020-14; Irwin Variance

Hi Leonard & Danielle –

This is a Request for Comments for a Variance application – File No. 2020-14 (Irwin). Property location is 10 East Point Court (3N10E36AB Tax Lot 6500). The applicant is requesting an exception to the building height in order to construct a roof over an existing 3rd story deck. The existing house and proposed roof exceed current allowed maximum building height. (See P. 17 of attachment for drawing of proposed roof addition)

We are scheduling a hearing before the Planning Commission for this application on September 8th. Please provide any comments you have – e.g. key issues for a building permit if it is approved or concerns about the proposal from a fire or building code perspective – by Friday, August 14, 2020.

Please let me know if you have any questions or need additional information.

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 • P 541-387-5215

Attachment G - File No. 2020-14

Jennifer Kaden

From: Danielle Meyers
Sent: Tuesday, August 25, 2020 1:22 PM
To: Jennifer Kaden; Leonard Damian
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Thanks Jennifer,

If approved we will need to work closely with them on the permit. I still think this all could have been avoided with good construction craftsmanship. IF not approved, from looking at the report a long time ago I am confident it can be fixed correctly, they just need to hire an experienced crew.

Danielle

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Wednesday, August 19, 2020 1:13 PM
To: Danielle Meyers <D.Meyers@cityofhoodriver.gov>; Leonard Damian <L.Damian@cityofhoodriver.gov>
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Danielle/Leonard –

FYI only – attached is the notice of public hearing for this application. No action needed on your part.

Thanks,
Jennifer

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 • P 541-387-5215



DISCLAIMER: This e-mail is a public record of the City of Hood River and is subject to public disclosure unless exempt from disclosure under the Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

From: Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Sent: Friday, July 10, 2020 8:32 AM
To: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>; Leonard Damian <L.Damian@cityofhoodriver.gov>
Cc: Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Hi Jennifer,

I agree with what Leonard state, if they end up getting approved for a roof covering, we would want it to be of non-combustible construction. I am glad they have an engineered design.

Jennifer Kaden

From: Scott Skelton <swskelton3@gmail.com>
Sent: Friday, August 28, 2020 9:41 AM
To: Jennifer Kaden
Subject: File no. 2020-14-Irwin VAR

Please count me as a no. The second drawing depicts a failure of planning, plan check and building inspections as it shows the structure was in violation of the height restrictions in place when it was built. The owners are family of the original owners and are lucky they weren't required to bring it into compliance before it was finished. This neighborhood is already scared in several areas due to omissions, allowing or permitting contrary to city code 1.04.060. by city staff in the past.

Sincerely, Scott Skelton
509 east 3rd street
Hood River

Attachment H - File No. 2020-14

Jennifer Kaden

From: Douglas Gallant <douggallantak@aol.com>
Sent: Wednesday, September 2, 2020 12:06 PM
To: Jennifer Kaden
Subject: Variance 2020-14-IrwinVAR

Dear Jennifer,

I have been out of town for a few weeks but just became aware of this Variance Request for 10 East Point Court, which we refer to in the neighborhood as the "Roddy" house.

I want to state clearly that I am AGAINST granting this variance to the City Code. This house is already the largest house in the area and to make it taller would make it more of an eyesore. Furthermore, I see no pressing need for the variance, they house is already very "busy" and heavily occupied to provide more structure up there would increase the visual footprint.

The Code is there to provide a level playing field for all members of the neighborhood so we can plan and protect our investments in our homes. I was contacted by another neighbor against and upset by this request, I am sure there are more.

Thanks for your consideration,
Douglas and Susie Gallant
11 Lovers Lane.
907 360-2255

9/08/2020 (Tuesday) Planning Commission

Commissioners: Arthur Babitz (AB), Sue Powers (SP), Erika Price (EP), Megan Ramey (MR), Tina Lassen (TL), Mark Frost (MF), Bill Irving (BI)

Staff: JBK, DN (KL standing by)

Meeting went live: 5:31pm

AB gave participants time to get connected

I. Call to Order

AB call to order: 5:33pm, with explanation of meeting via Zoom video conference based on Governor's order for COVID-19.

II. Planning Director's Update

DN noted that today is the last day for submittal of rebuttal by the applicant for the Adams Creek Cohousing development, and the next hearing will be held on September 21. A hearing also has been scheduled for October 5 for a zone change and subdivision.

III. Public Hearing

AB read the procedural script.

AB asked if there are any questions about procedures before we begin – if so, click on “participants” button at bottom of screen and “raise hand.”

Hand raised by Kristen Campbell.

Kristen Campbell asked if her client can be heard by phone.

Lisa Irwin asked if she can be heard.

AB confirmed both were heard.

A. FILE NO. 2020-14 – Irwin Variance

PROPOSAL: The applicant requests a Variance to the maximum allowed building height to construct a roof over an existing 3rd story deck.

AB requested conflict, bias or ex parte communications.

MR none

TL none.

SP none

MF none

Bill I may have experience as a developer and homeowner with roof deck living area. No bias or conflict.

AB asked Bill what he learned from his experience.

BI developed townhouses on Sherman behind court house. Six units had outdoor decks, two different treatments were used including a painted surface and a roof membrane. Have similar system in my home and it does not leak.

EP none

AB have bias and will recuse. Asked PC for a vote to chair meeting.

TL moved to have Sue Powers act as chair for tonight's hearing.

MF second.

AB discussion? None.

PC 6-0 (AB abstained), motion passed.

SP said she is not officially the vice chair.

AB as a reminder we've heard disclosures but not challenges to disclosures.

SP read from procedural script and asked if audience would like to question or challenge commissioners.
No hands raised.

SP asked if commissions would like to challenge. None.

SP asked for staff report.

Staff report: JBK explained that proposal initially came in as a building permit and at that time it was determined the roof exceeded the maximum height standard. Existing non-conforming structure. No provision in code allowed ministerial approval by staff. Applicant ultimately applied for the variance. JBK explained applicable code provisions including R-3 standards, non-conforming structure provisions in 17.05 and variance provisions in 17.18, as a quasi-judicial review per 17.09.

JBK explained structure was built when standards allowed maximum height of 35 feet. Because height of roof exceeds current 28-foot maximum, expansion can't be approved as a change to non-conforming structure.

JBK explained the four criteria for a variance.

JBK noted that sun, wind and rain exposure is not unique to this property as indicated by applicant.

JBK addressed second criterion and applicant's response that the proposed roof is lower than the existing roof. Testimony was received from neighboring property owners concerned about the height.

JBK explained the third criterion and agreed with applicant that the change to the height standard was not purposefully self-imposed.

JBK explained the fourth criterion and the applicants' efforts to repair the problem. If a roof is the only solution, the proposal is the minimum necessary. However, spoke with the Building Official who believes there may be alternatives to constructing a roof that would not require a variance, for example, removal of deck structure and reinsulate the area below the deck, reconstruct it with new plywood and roof material to drain with use of non-combustible materials due to location in the wildland urban interface though this may be more expensive. Another alternative would be to remove the deck and repair roof.

JBK explained that the commission is being asked to consider the four criteria for a variance. Questions?

Questions of Staff: MF asked about Exhibit H and the original house not complying with the height standard. Is there merit in Exhibit H?

JBK is unsure what is being referred to. It is unclear in the building permit records where height was measured from, and JBK explained how height currently is measured. At time of permit issuance, staff may have measured from finished grade but not sure.

SP asked about applicant's comment of a maximum height of 32'10".

JBK explained that the planning department's review did not specify such a height but stated instead that the allowed height was 35 feet as on the second page of Attachment C. JBK didn't know what that is referring to.

BI asked if there were other approval options considered.

JBK responded that the non-conforming structure provisions allow certain actions but not to make a non-conforming feature less conforming.

MF asked if the City had not reduced the height standard, would this be an issue today?

JBK responded probably not but, again, the methodology of measuring height has changed too. Current proposal may be slightly above the 35 feet if measured using the current methodology.

SP asked for any other questions.

TL asked if top roof elevation is 166'.

JBK confirmed it is approximately 166.15'.

TL asked if the proposed cover is approximately two feet below that.

JBK confirmed and noted that she included a diagram in Attachment 2.C with elevation notes.

SP any other questions? None.

SP asked for applicant's testimony.

DN promoted Kristen Campbell to a panelist position to speak.

Applicant Presentation/Testimony: Kristen Campbell appreciated the thorough staff report. Provided detailed account of expenses and efforts made to resolve the issue caused by intense sun exposure. Proposed cover will be two to two and half feet lower than the existing roof and those of neighbors.

DN promoted Lisa Irwin to a panelist position to speak.

Kristen asked Lisa if she would like to correct or address anything she's heard.

Lisa Irwin was uncertain about the measurement point which likely was finished grade. Housing construction started in 2004, completed in August of 2006.

SP asked if there are any other speakers.

DN confirmed there are none.

SP asked if there are questions for the applicant.

MF asked if Art Larsen was the architect and his background.

Lisa confirmed Art Larsen's background, long time Hood River resident recently relocated.

SP asked for other questions. There were none.

Staff Recap: SP staff recap?

JBK none but noted that staff report does not include a recommendation. Left decision open to the commission to determine with findings for the four criteria.

SP closed hearing 6:16pm, and commission will now deliberate and encouraged commission to address all four criteria.

Planning Commission Deliberation: EP as an architect and resident of the northwest familiar with decks, agree there are alternates to roofs over decks.

MR nothing to add at this time.

MF also an architect and also agree that by keeping heat off membrane with pavers. Regardless, in cases where roof decks are covered, materials perform well. If at the time of design the architect would have designed with a roof if it was expected to be needed. Have heard stories from owners who were surprised by the heat. So, probably not unique circumstances but lack of foresight in design. Benefits of making building perform outweigh cons. Owner not at fault because City changed regulations.

Struggling with whether there are other ways to address this. Good way to mitigate issue.

MR agrees with Mark. Environmental benefit of allowing owners to protect the problem.

TL struggling because height restrictions are an issue to keep buildings in scale with surroundings. But, it became a problem after City changed zoning. I see both sides but not sure this is the only or best solution. Torn over height.

SP asked if Tina agrees with Mark and Megan that all four criteria are met.

TL not sure it's a unique circumstance.

BI noted that all four criteria need to be met. Haven't seen a case made that this is a unique or unusual circumstance. We all live in same environment, no on criterion 1. Neighbor comments expressed concern but not expecting significant neighbors so yes on criterion two. Not self-imposed, yes on criterion 3. Leaky deck could be addressed without a variance with other materials, so no on criterion 4, and no overall.

SP code change created unique circumstance. Sun exposure not unique but there are unique circumstances. Benefits greater than negative impacts. Not self-imposed. Last criterion is most difficult but this might be the minimum that has the greatest long term impact based on comments from contractors.

EP agree with Bill, no to approval.

TL on fence. What do we do with a tie?

JBK explained a tie fails, need a majority to approval.

DN also need to ask if there is anything that would lead one to change their position.

BI do we have a tie? If there is a tie, can a recused person be brought back?

TL I don't see it as unique or unusual, so no to approval.

SP asked about procedure – need a vote?

DN yes, and must exhaust discussion before using "rule of necessity" to bring back a recused commissioner.

MF not sure this roof will accomplish goal and could continue to fail. There are other decks on the building that are performing.

SP contractors said this is the best long-term solution.

MF understood.

BI agree with Mark. There are other technologies that can be used. It may be that the contractors who looked at it weren't familiar with options. Don't see a way to get to approval.

SP motion?

MF move to approve the variance subject to conditions in staff report.

MR second.

SP all in favor? MF, MR and SP, yes.

EP no.

BI no.

TL no.

SP 3-3, motion does not pass.

SP other comments or motions?

DN still in deliberation, or alternative motions.

BI for those who voted to approve, it's not clear to me that staff's findings support approval. So will need to update findings too.

MF makes sense. Seems like we're all questioning south facing deck as a unique circumstance. But, if City hadn't changed height standards, the owners would have been able to remedy problem so that's unique.

TL does this apply to every house that was constructed before the height standard changed?

MF understand concern.

BI asked staff for direction on the unusual circumstances criterion.

DN confirmed it is the applicant's argument to make. There are numerous potential characteristics. Has the applicant moved you to make a finding that this is a unique circumstance?

SP I see this as a unique location and exposure. But, not sure this is the minimum that could be done to alleviate the problem. I extended my thought that this is the best long-term solution but maybe that's incorrect. Does anyone have any thoughts on that?

BI If this is truly a problem and you want to waterproof this portion of the house, they could also enclose the space so that's another potential solution. We're trying to address a problem – how, put a roof on it or a membrane.

MF first question as an architect is whether it's designed with slope and if membrane is turned up at edge. But understand we're all trying to find the least imposing solution.

SP getting rid of deck increases negative impact to the owner.

TL I think we all sympathize but not sure it's our job to correct the original architect's design. We need to stick to criteria. Is it unique, and is it the minimum necessary?

BI there is no proof that the solution will alleviate the hardship, after three previous efforts.

MF like TL concerned about precedent.

MR why try change votes, if it's a tie and it fails?

BI cleaner if not a tie.

SP is a tie a problem?

DN the motion failed, but that's different than a vote to deny.

BI move to deny variance based up the fact that it does not meet all four variance criteria.

EP second.

SP all in favor? BI, TL, EP yes.

MF yes, based on whether it's the minimum needed. I think there are other ways to solve this.

MR no.

SP no.

SP passes 4-2 to deny variance.

JBK will write up final order to follow up with commission chair and applicant. Decision is appealable.

SP other matters?

DN cohousing application will be reviewed September 21, and subdivision application on October 5.

This decision will be final after notices are mailed and appeal period expires.

IV. Adjourn

SP meeting adjourned at 6:52 pm.



CITY OF HOOD RIVER

PLANNING DEPARTMENT

211 2nd Street, Hood River, OR 97031 Phone: 541-387-5210

STAFF REPORT VARIANCE

September 1, 2020

To: City of Hood River Planning Commission

From: Jennifer Kaden, Associate Planner

RE: File No. 2020-14 – Variance to Maximum Building Height for an Addition of a Roof over an existing 3rd Story Deck in the Urban High Density Residential (R-3) Zone

Application submitted: June 5, 2020
Application complete: June 30, 2020
120-day deadline: October 28, 2020

I. BACKGROUND INFORMATION:

A. **REQUEST:** Variance to the maximum allowed building height for a Roof Addition over an Existing Deck. (See Attachment "A")

B. **APPLICANTS:** Lisa Irwin and Tim Roddy

C. **OWNERS:** Same

D. **PROPERTY LOCATION:** 10 E. Point Court. Legal Description: 3N10E36AB Tax Lot 6500. (See Location Map, Attachment "B".)

E. **ZONING:** Urban High Density Residential (R-3)

F. **PROPERTY SIZE:** Approximately .2 acres or 8,700 +/- square feet.

G. SURROUNDING ZONING & LAND USES:

North: R-3, E. Hazel Ave - residential

South: R-3 - residential

East: R-3 - residential

West: R-1, residential

H. APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:

1. HRMC 17.09.040 – Quasi-Judicial Actions
2. HRMC 17.03.030 – Urban High Density Residential (R-3) Zone
3. HRMC 17.04.040 – General Exceptions to Building Height Limitations
3. HRMC 17.05 – Nonconforming Uses and Structures
4. HRMC 17.18 – Variances

I. AGENCY COMMENTS:

1. Leonard Damian, City Fire Department – Comments attached (Attachment D)
2. Danielle Meyers, City Building Department – Comments attached (Attachment E).

Attachment 6

- I. **ADJACENT PROPERTY OWNER COMMENTS:** Property owners within 250 feet of the subject parcel were notified of this request. The following written comments were received in response to the notice:
1. Scott Skelton, comments attached (Attachment G)

K. **HISTORY**

1. Variance application submitted June 5, 2020
2. Application deemed complete June 30, 2020
3. Agency referrals emailed July 9, 2020
4. Notice of public hearing mailed August 19, 2020
5. Planning Commission hearing scheduled September 8, 2020

L. **ATTACHMENTS:**

- Attachment "A" – Applicant's application and written narrative
- Attachment "B" – Location Map
- Attachment "C" – Building Permit Records
- Attachment "C.2" – Staff Building Height Calculations
- Attachment "D" – Construction Drawings – proposed roof; Bell Design
- Attachment "E" – Ordinance 1920
- Attachment "F" – Fire Department comments, 7/9/20
- Attachment "G" – Building Department comments, 7/10/20 & 8/25/20
- Attachment "H" – Scott Skelton, August 28, 2020

II. FINDINGS OF FACT

A. HRMC 17.03 – LAND USE ZONES

17.03.030 Urban High Density Residential Zone (R-3)

A. Permitted Uses:

1. Detached single-family dwellings for residential use and accessory structures
2. Duplexes and triplexes for residential use
3. Multi-family dwellings for residential use, subject to HRMC 17.16
4. Manufactured homes for residential use
5. Mobile home parks subject to HRMC 17.12
6. Residential care facilities
7. Group residential, if fifteen (15) or more persons, subject to site plan review
8. Transportation facilities subject to HRMC 17.20.050(A)
9. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
10. Accessory uses permitted when accessory to residential use:
 - a. Accessory dwelling units subject to HRMC 17.23
 - b. Bed and breakfast facilities subject to HRMC 17.04.110
 - c. Family day care subject to HRMC 17.04.100
 - d. Home Occupations subject to HRMC 17.04.100
 - e. Hosted homeshares and vacation home rentals subject to HRMC 17.04.115
11. Townhouse projects for residential use including:
 - a. Three (3) or fewer townhouses subject to HRMC 17.19

- b. Four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19.

FINDINGS: The subject property is developed with an existing duplex as permitted under HRMC 17.03.03.A.2 (Permit #04-0072 & #05-0228). No change of use or additional use is proposed.

B. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent home
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Religious institutions
6. Planned unit developments
7. Professional offices
8. Hostels

FINDINGS: A conditional use is not proposed.

C. Site Development Standards. Except for townhouse projects which are subject to HRMC 17.19, the minimum site development requirements are as follows:

1. The minimum lot or parcel size shall be 5,000 square feet.
2. Minimum requirement for building sites: Per detached single dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Subject to HRMC 17.04.120

FINDINGS: The subject property is approximately 8,700 +/- square feet in area with more than 50 feet of frontage on Hazel Avenue. No change to lot coverage is proposed and no changes to the site configuration are proposed.

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/ rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than five (5) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
 - e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

FINDINGS: As depicted on a 2004 Site Plan in the building permit records (Attachment C), the existing structure is located approximately 8 feet from the western and southern property lines, and at least 15 feet from the Hazel Avenue right-of-way. As depicted on the attached proposed construction drawings (Attachment D), the proposed roof structure is within the footprint of the existing structure and no change to setbacks is proposed.

- E. **Maximum building height:** Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential development may be conditionally permitted up to thirty-five (35) feet subject to HRMC 17.06.

FINDINGS: Pursuant to HRMC 17.03.030(E), the maximum allowed height for residential development in the R-3 zone 28 feet as measured from existing grade, unless a Conditional Use Permit is approved to allow a maximum building height of 35 feet as measured from existing grade. Pursuant to HRMC 17.01.060, when the grade change is greater than 10 feet, building height is measured from a point 10 feet above the lowest existing grade of the proposed building:

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest point of a building. The reference datum shall be selected by either of the following, whatever yields the greater building height:

1. The elevation of the highest adjoining sidewalk or upper ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item one (1) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Building permit records indicate that at the time a permit was issued for the original dwelling (Permit #04-0072), the maximum allowed building height was 35 feet, also measured from existing grade and using the same methodology for sites with slopes greater than 10 feet. No conditional use for the 35-foot allowed height was required at the time.

Permit records indicate the proposed structure height “....is below 35 with the 10' slope accommodation....” (Attachment C). It is not clear from the permit records what elevation the building height was measured from, however the records indicate an existing grade elevation at the low point of the building site was 118' above sea level (ASL), which would allow for a maximum building height of 163' ASL at the time ($118' + 10' + 35' = 163'$). If the height was calculated from finished grade on the low side of the structure (124' ASL), then the maximum allowed height would have been 169' ASL at the time ($124' + 10' + 35' = 169'$).

Pursuant to the current maximum allowed building height of 28', the current maximum allowed height of a new structure – or addition to an existing structure – on the subject property is 156' ASL ($118' + 10' + 28' = 156'$).

Staff estimates the height of the existing structure is approximately 166.15' ASL as illustrated on Attachment C.2. Information submitted by the applicant in Exhibit B of Attachment A indicates the roof ridge elevation is approximately 166.83' ASL. No information about the height of the proposed roof structure as measured 'above sea level' was provided, however the applicant estimates it would be 2 – 2.5 feet lower than the existing roof ridge, which calculates to approximately 164.33 - 164.83 feet ASL, more than 8 feet higher than the currently allowed maximum roof height of 156'.

As such, the roof cannot be permitted under the provisions of HRMC 17.03.030.E.

F. Parking Regulations.

1. All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
2. Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
3. Required setback areas may be utilized for off-street parking for multi-family dwellings.
4. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
 - a. New construction
 - b. Change of use
 - c. New or expanded parking area
6. Bicycle parking as required by HRMC 17.20.040.

FINDINGS: Pursuant to HRMC 17.03.030.F.1, four on-site parking spaces are required for the existing duplex. No change to the parking configuration is proposed.

G. Signs: All signs shall be in conformance with the sign regulations in this title.

FINDINGS: No new signs are proposed.

H. Landscaping. All landscaping shall be in conformance with the landscape standards in this title.

FINDINGS: Pursuant to HRMC 17.17.010(A), the proposed use is not subject to the landscaping standards of HRMC 17.17.

2. HRMC 17.05 – Non-conforming Uses and Structures

17.05.030 Nonconforming Structure

- A. Continuation.** A nonconforming structure that was allowed when established, but is no longer permitted in the subject zone because it does not conform to the existing height, setback, coverage, area, or other requirements, may continue so long as it complies with all of the following requirements:
1. The structure is not enlarged, moved, or altered in a way that increases its nonconformity; however, the structure may be altered to decrease in nonconformity.

2. If a nonconforming structure is damaged by any means, the structure may only be reconstructed or replaced to conform to its pre-damage nonconforming state. Otherwise, the structure shall be reconstructed in accordance with the provisions of this ordinance.
3. If a nonconforming structure is moved, it must conform to the standards of the zone to which it is moved.

FINDINGS: HRMC 17.01.060 defines a non-conforming structure as one that was a lawful existing structure at the time the zoning ordinance, or any amendment, became effective. The maximum allowed building height for residential development in the R-3 zone changed from 35 feet to 28 feet in 2007, Ordinance 1920 (Attachment E). As explained above, the existing duplex structure exceeds the maximum allowed building height of 28 feet, but was permitted in conformance with building height standard applicable at the time of building permit issuance (Permit #04-0072) and, therefore, is a lawful existing structure.

As a nonconforming structure, the duplex is permitted to continue as long as it is not altered in such a way that it increases its nonconformity. The duplex is nonconforming in that it exceeds the maximum allowed building height. The applicant proposes to construct a roof to cover a 3rd-story deck, essentially a rooftop deck, to resolve an ongoing issue with water and sun damage on the existing deck. The height of the proposed roof structure (estimated to be approximately 164.33 – 164.83 feet ASL) would exceed the current allowed maximum height of approximately 156' ASL and increase the overall amount or volume of the structure that exceeds the allowed height and, thus, increasing the nonconformity of the existing structure. As such, the roof cannot be permitted under the provisions of HRMC 17.05.030. As such, the applicant requests a variance for relief from the height standard.

3. **HRMC 17.18 – Variances**

17.18.010 - Purpose. Where physical difficulties, unnecessary hardship, and results inconsistent with the general purpose of this Title may result from the strict applications of certain provisions thereof, a variance may be granted as provided in this Chapter. This Chapter may not be used to allow a use that is not in conformity with the uses specified by this Title for the zone in which the land is located. In granting a variance, the City may impose conditions similar to those provided for conditional uses to protect the best interests of the surrounding property and property owners, the neighborhood, or the City as a whole.

FINDINGS: In general, the purpose of variances is to provide relief from the strict application of development standards in cases where lawful development of a property may not be otherwise feasible due to site or other conditions and where the proposed variation from the standard(s) does not adversely impact adjacent uses or conflict with the purpose for the standard.

The applicant provided a written narrative to explain why a variance should be granted to allow construction of a roof that exceeds the allowable building height but is lower than the tallest roof ridge of the structure (Attachment A).

In this case, the purpose of the maximum allowed building height is to provide a limit on the scale of residential development as it relates to vertical height in a manner that is applicable to all residential development in the R-3 zone.

17.18.020 - Procedure. The procedure for taking action in a variance application shall be as follows:

1. The property owner may initiate a request for a variance by filing an application with the Planning Director. The applicant shall submit a complete application as specified in the *Application and Plan Requirements* (Section 17.06.020).
2. The application shall include a statement and evidence showing that all of the criteria in Section 17.18.030 are met.
3. Before the Planning Commission may act on a variance application, it shall hold a public hearing following procedures established in *Review Procedures: Quasi-Judicial Actions* (Section 17.09.040).

FINDINGS: The property owner initiated the request for a Variance by filing an application with the Planning Director. The application includes a written narrative addressing the criteria for a variance (Attachment A). The Planning Commission is holding a public hearing to review the request for a variance, subject to the procedures for a Quasi-Judicial Action per HRMC 17.09.040. As such, the proposal is consistent with these requirements.

17.18.030 - Criteria for Granting a Variance. A variance may be granted if it meets all of the following criteria:

1. There are unique or unusual circumstances which apply to the site which do not typically apply elsewhere.

FINDINGS: The applicant states that the unique or unusual circumstance of the deck to be covered by the proposed structure is the “intense heat on the deck from direct, constant sun exposure” which results in an “expansion/contraction phenomenon that causes cracking” different from the other decks on the structure (Attachment A). The described current problem is that water is seeping into the substructure of the deck, which is located above living area in the structure.

The circumstances of the site are not unique or unusual. There are myriad sites in Hood River zoned R-3 with steep slopes. Many, although staff has not attempted to quantify the number, were developed under the prior building height standard of 35 feet. All such sites are subject to zoning standard applicable at the time of permit application for any redevelopment or additions. Further, while each building site may have varying degrees of exposure due based on existing vegetation and topography, all building sites in Hood River are subject to Hood River weather conditions. Staff does not have a feasible way to determine whether there are other nonconforming structures that exceed the current building height standard and were constructed with 3rd story, rooftop decks with southwest exposure.

Prior to approving a variance, the Planning Commission will need to determine if the applicant’s written narrative adequately addresses this criterion or if additional findings should be made specifying the unique and unusual circumstances that apply to this site.

2. The proposal’s benefits will be greater than any negative impacts on the development of the adjacent lawful uses; and will further the purpose and intent of this title and the Comprehensive Plan of the City.

FINDINGS: In the written narrative, the applicant suggests the benefit of the proposal is to “prevent irreversible structural damage” (Attachment A) caused by water and sun exposure on the deck. The applicant explains that the proposed roof structure will be lower than the roof ridge of the existing structure and designed to blend with the architectural style of the building. The applicant argues there will be no negative impacts on views from adjacent properties.

There are no specific policies or implementation strategies in the Comprehensive Plan addressing maximum building height. The Comprehensive Plan has housing goals including “promote and encourage the maintenance of existing housing and “homes are permitted within the City provided they meet the applicable building and safety codes and the requirements of the Zoning Ordinance.” As addressed in HRMC 17.01.020, the purpose of Title 17 is to provide the principal means of implementation of the Comprehensive Plan. Staff notes that the preamble for Ordinance 1920 suggests the impetus for the change in building height was community input expressing concern about the height, bulk, and scale of residential development.

Adjacent lawful uses include townhouses to the west (East Pointe Estates PUD; File No. 2002-27), an existing single-family dwelling (115 E. Hazel) and vacant lot to the south, and single-family dwellings to the north and east (across Hazel Ave.). The dwellings are constructed at various heights with varying existing grade elevations. It appears the townhouses located west of the subject property also were permitted and constructed using a 35-foot building height standard.

No letters were submitted from adjacent property owners in support of or in opposition to the Variance request. One letter was submitted by a nearby property owner (Attachment F) who expressed opposition to the variance request.

Prior to approving a variance, the Planning Commission will need to determine if the applicant’s written narrative adequately addresses this criterion or if additional findings should be made specifying how the benefits of the proposed variance will be greater than negative impacts on adjacent lawful uses and will further the purpose and intent of the Zoning Ordinance and the Comprehensive Plan.

3. The circumstances or conditions have not been willfully or purposely self-imposed.

FINDINGS: The applicant states that two circumstances or conditions were not willfully or self-imposed: the amended building height standard adopted after the applicant built the subject home, and the “act of nature” causing the damage to the structure. (Attachment A).

As noted above, the building height standard was amended by Ordinance 1920 in 2007. As a result, there are myriad residential structures in the city constructed at the previous allowed height of 35 feet that are now subject to the 28-foot standard for any redevelopment or additions. Staff agrees that the change in standard was not self-imposed by the applicant. Comments from the City Building Official, however, suggest that the root cause of the specific current problem is one of original design and construction (Attachment G).

Prior to approving a variance, the planning commission should determine if the applicant’s written narrative adequately addresses this criterion or if additional findings should be made specifying how the circumstances or conditions have not been willfully or purposely self-imposed.

4. The variance requested is the minimum variance which would alleviate the hardship.

FINDINGS: The applicant states that the requested height of the proposed roof structure to cover the deck is “as flat as possible” and will tie into the “current roof line just above the deck’s door header” with a height approximately 2 feet below the tallest roof ridge of the structure (Attachment A). According to the written narrative, the dimensions of the proposed roof cover are “only enough to shelter the deck” and the roof is needed to “prevent irreversible structural damage” (Attachment A). The applicant notes that alternative solutions, such as installing an awning or cooling system are impractical.

Comments from the City Building Official offer suggested alternatives to building a roof cover over the deck to resolve the issue including installation of concrete or vinyl insulated deck materials (Attachment G).

Prior to approving a variance, the Planning Commission should determine if the applicant’s written narrative adequately addresses this criterion, if additional findings should be made specifying how the variance is the minimum necessary to alleviate the hardship, or if an alternative setback would be the minimum necessary setback reduction and alleviate the stated hardship.

17.18.040 - Time Limits. A variance is valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later.

A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstance or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

FINDINGS: If a variance is granted, in order to ensure compliance with these requirements, a condition of approval is recommended that the Variance shall be valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstance or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.

17.18.050 - Limitations of Re-application. No reapplication of a property owner for a variance shall be considered by the Planning Commission within a six (6) months period immediately following a previous denial of such request.

FINDINGS: If the variance is denied, a new variance application will not be heard by the Planning Commission within the 6-month period following the written Notice of Decision, or the decision on an appeal, whichever is later.

III. CONCLUSIONS: The city’s Zoning Ordinance requires new development to meet maximum building height standards specified in the underlying zoning district of the affected property. In the Urban High Density Residential (R-3) Zone (and all residential zones), residential development is allowed a maximum height of 28 feet as measured from existing grade. The purpose for the building height

standard, along with setbacks and lot coverage, is to provide a general limitations on the height, bulk, and scale of residential development.

The subject property was developed prior to the adoption of the current building height standard of 28 feet. At the time building permits were approved for the subject structure, the permitted maximum building height was 35 feet. As such, the existing structure is considered a legal, nonconforming structure with respect to building height.

The applicant proposes to add a roof structure over an existing 3rd story deck in order to correct an apparent design and construction flaw that has resulted in damage to the deck from sun and water exposure. The applicant explains that problem is on-going and the owners have tried to address the problem by applying various deck sealants but have not achieved a long-term solution to the problem. The applicants explain that issue is now leading to structural damage of the deck substructure and propose a roof to cover the deck as the only feasible long-term solution. Because the proposed roof would be taller than the current maximum allowed building height, the applicants request approval of a variance to allow construction of the proposed roof structure.

As explained by the City Building Official, alternatives to the variance may include conventional construction methods such as reconstruction of the deck with concrete or vinyl insulated material (Attachment G). It is not clear that the owners have pursued these alternatives.

Comments were received from one nearby property owner (Attachment H) who objects to the variance request because he believes there were errors in the original permitting process.

The applicant submitted a written explanation of the circumstances that led to a request for a variance to the maximum building height standard for residential development (Attachment A). Prior to approving a variance the planning commission must determine whether the applicant's written narrative adequately addresses the criteria, or if additional findings of compliance with one or more criteria are necessary. Pursuant to HRMC 17.09.040(F.5), the applicant has the burden of proof to show how the application complies with the applicable criteria or can be made to comply through application of conditions of approval. To approve the Variance, the Planning Commission will need to make findings of consistency with each of the four variance criteria.

IV. DRAFT CONDITIONS OF APPROVAL: If the Planning Commission makes findings of consistency with the four variance criteria, staff recommends approval of the Variance to the maximum allowed building height is subject to the following conditions:

1. The owners shall obtain a valid building permit prior to commencing construction of the roof over the subject 3rd story deck.
2. The roof shall be designed and constructed at the minimum necessary height to avoid conflict with the door accessing the deck and at a height below the tallest roof ridge of the overall structure, with the minimum necessary roof pitch for adequate drainage, and with the minimum necessary length and width dimensions to cover the deck.
3. The roof over the deck shall be constructed of materials acceptable in the Wildland Urban Interface (WUI) overlay.

4. The Variance shall be valid for a period of two (2) years from the written Notice of Decision, or the decision on an appeal, whichever is later. A single one (1) year extension may be granted by the Director prior to the expiration date if the applicant can demonstrate that circumstance or conditions, not known or foreseeable at the time of original application, warrant an extension of the permit. The extension request must be received by the department no later than thirty (30) days prior to the expiration of the permit.
5. This approval does not condone nor require interference with existing easements, covenants, deeds or restrictions of record which affect this or adjacent properties.
6. Failure to comply with these conditions will nullify this permit.



CAMPBELL PHILLIPS PC
Attorneys at Law

June 1, 2020

City of Hood River Planning Department
211 2nd St.
Hood River, OR 97031
planning@cityofhoodriver.gov

Re: Variance Application

Dear Planning Department:

Enclosed please find three copies of a Variance Application for property located at 10 E. Point Ct., Hood River along with a check in the amount of \$1,933.00 for the application fee.

If you have any questions, please contact me at kcampbell@campbellphillipslaw.com or 541-371-5585. Thank you.

Sincerely,

CAMPBELL PHILLIPS PC

Kristen A. Campbell

KAC: bkd
By first class mail and email
Enclosures
Cc: Lisa Irwin and Tim Roddy

Attachment A - File No. 2020-14

File No.: _____
Fee: _____
Date Submitted: _____

CITY OF HOOD RIVER VARIANCE APPLICATION

Submit the completed application form with three (3) paper copies of all application materials including full- and reduced sized plans and written analysis, one electronic copy (original .pdf) and appropriate fees to the City of Hood River Planning Department, 211 2nd St., Hood River, OR 97031. Additional paper copies may be required as determined by staff. If you have any questions, please contact the Planning Department at (541) 387-5210.

APPLICANT:

Name: Lisa Irwin and Tim Roddy
Address: 10 East Point Ct., Hood River, OR 97031
(physical)
(mailing) 19115 NE 42nd Ct., Ridgefield, WA 98642
(email) irwin36@msn.com
Telephone: 360-607-7557 (cell) Cell Phone: 503-819-6690
Signature: Lisa Irwin Tim Roddy and Lisa Irwin Roddy [Jun 1, 2020 15:07 PDT]

PARCEL OWNER: (if different than applicant)

Name: Same
Address:
(mailing)
Telephone: Cell Phone:
Signature:

**Authorization of parcel owner required.*

PARCEL INFORMATION:

Township 3N Range 10E Section 36AB Tax Lot(s) 6500
Current Zoning: R3 Parcel Size:

Property Location (cross streets or address): 10 E. Point Ct. Hood River, OR

REQUEST:

Type of: Interpretation Administrative relief Dimensional variance Inability to use land
Variance

Brief Explanation of Request:

REQUIRED WRITTEN ANALYSIS: (See Next Page)

INTRODUCTION

Lisa Irwin and Tim Roddy (“Applicants”) purchased a vacant parcel located at 10 East Point Court, Hood River, in 1998. See Deed attached as Exhibit A. The Applicants constructed their home in 2006. According to those architectural plans (the “Plans”), the height of the home is 32’10”.¹ See Plans attached as Exhibit B. It is important to note that at the time the home was constructed, the City of Hood River Municipal Code height limitation for this R-1 parcel was 35 feet.

Shortly after construction, the Applicants became aware of intense sun exposure on the south facing upper deck surface, which is an uncovered exposed deck (the “Deck”). See depiction on attached Exhibit B. The sun exposure is intense, constant and direct. By 2008, the sun was causing degradation in materials and systematic splitting and flaking of the entire surface of the Deck, which subjects the underlying structure to significant water damage and dry rot.

As evidenced below, over the course of 12 years the Applicants consulted with numerous experts in the field and have resurfaced the Deck several times with the recommended products. They have also explored alternatives such as awnings and cooling systems, which were not practical. Each and every measure has failed to date and water is seeping into the substructure and creating an unsafe situation. See photographs attached as Exhibit C.

As a last resort to prevent irreversible structural damage, Bell Engineering recently designed a plan to cover the Deck, which was submitted to the City at the end of February. The Applicants were advised that the City could not approve the plan due to revised height limitations. Specifically, the height limitation for this parcel is now 28 feet as opposed to the 35 feet limitation applicable when the Applicants constructed their home. See 17.03.030 Urban Low Density Residential Zone (R-3). Despite the fact that the roof cover would sit two feet below the peak of the home, the City opined that the deck cover would exceed the current limitations by 1.5 feet. After numerous subsequent conversations with the City in an effort aimed at resolution, the Applicant respectfully requests that the City grant this variance so that they may commence with covering the Deck before they endure damage.

ANALYSIS

1. There are unique or unusual circumstances which apply to this site which do not typically apply elsewhere.

The origin of the problem is the intense heat on the deck surface from direct, constant sun exposure and the resulting expansion/contraction phenomenon that causes cracking. All

¹ Height references are best approximate calculations based on existing, attached, existing plans.

four additional decks on the home have original deck surface and are in excellent condition. Every product and measure recommended by various experts has failed. The sole remaining option is to cover the deck with solid structure to provide shade and protect against weather elements.

2. The proposal's benefits will be greater than any negative impacts on the development of the adjacent lawsuit uses; and will further the purpose and intent of this title and Comprehensive Plan.

This project will result in covering an area approximately 12 x 10 or 14 x 12 with a cover that blends in with the home and conforms to the character of the neighborhood. The cover would be approximately two feet or more below the existing peak. Moreover, this cover would in no way obstruct the view of any other adjacent parcel. In short, there will be no impact to any adjacent use.

3. The circumstances or conditions have not been willfully or purposely self-imposed.

The applicable height limitation was amended since the Applicant's purchased the property and built the home. The damage necessitating the cover is caused by an act of nature, over which the Applicants have no control. Further, the Applicants have made every reasonable effort, and expended substantial sums of money, to unsuccessfully remedy the situation short of filing for this variance.

4. The variance requested is the minimum variance that would alleviate the hardship. Provide an explanation indicating what measures you have explored as possible alternatives to the variance.

The proposed cover is two feet below the peak of the house. The proposed cover is a mere 14 feet long, only enough to shelter the Deck. The proposed pitch of the cover is as flat as possible, a mere 12 inch drop every 12 feet, as evidenced in the Plans. The following is a timeline of attempted alternatives:

Spring 2006: 5 decks (NE corner exposed deck, NW corner covered deck, south facing covered deck, NE covered deck and the subject SW exposed deck) were all surfaced using advanced waterproofing and industrial grade glass fiber resin sealant system². The contractor was Joe Szeremi of Polymite NW.

² Fiberglass is well regarded as one of the best deck coating materials to achieve a waterproof, weather-resistant surface.

During construction a scupper drainage system was installed on the Deck. This system has provided excellent drainage with no surface water accumulation since 2006. However, deterioration of the Deck surface has disrupted the grade flow of water.

Summer 2008:- Large cracking had uniformly developed on the Deck surface.

October 07, 2008 - Polymite NW stripped and resurfaced the Deck using the same fiberglass matrix system. \$1,000.00.

2010:- Large cracks had again developed on the Deck.

2011: Additional cracking compounded the existing large cracks. Applicants consulted with Ray Grimme, a renowned expert specializing in deck surfaces.

October 27, 2011: Mr. Grimes stripped and applied Durabak 18, a marine grade elastomer product, specifically regarded for its stretchability. Durabak 18 is intended for marine applications including pool decks along with other outdoor surfaces exposed to direct sunlight. \$1,370.00.

July 03, 2012: More cracking had developed and the Deck was resurfaced again using Durabak 18. \$485.00.

May 23, 2014 - Substantial cracking has developed. Applicants again consulted with decking specialists regarding different products that would withstand southwest sun exposure and resulting expansion and contraction. A marine grade polymer resin product with elasticity and flexibility properties was applied by Samuel Ortega. \$900.00.

August 03, 2017 - Significant cracking and flaking had again developed. Applicants undertook a complete deck resurface. \$1,000.00.

2018 – More cracking and flaking occurred. See photographic evidenced attached as Exhibit C. The Deck surface is now substantially deteriorated and has led to exposure of the wood substructure. This deck is directly above living space. Because of the disrupted surface, water accumulates and seeps into substructure. Applicants are concerned about the mounting water damage to underlying structure.

Fall 2019 -Applicants consulted with two construction contractors, SMP Construction and Hood River Construction (the initial architect and original structural engineer, respectively) to discuss other possibilities, including covering the deck. Both opined that the only long-term option is to cover the Deck with a roof structure. Tim Sweeney directed Applicants to Bell Engineering Design. Evony Hubert, a design engineer, designed a shed type cover that would tie into the current roof line just above the Deck's door header. Bell Engineering engineered the loads and build out with a design that conforms aesthetically

to the neighborhood. No one realized that this build out from the existing roof line, two feet below the peak, would subject the Applicants to height limitations that were revised since the original construction.

February 2020: – Bell Design plan was completed and submitted to the City. See Exhibit D.

Other Solutions Explored: 1) Cooled water mist system, which is not guaranteed to work and deemed impractical due to the volume of water required and the complexity of the engineering; and 2) awning system, which was deemed impractical with high winds.

CONCLUSION

According to the original architectural plans the subject house peak height is 32'10". The proposed cover is the minimal variance. Specifically, it would initiate at the roof line just above the deck's door header, at a flat pitch, around 2-2.5 feet below the existing peak of the home. The Applicants have exhausted all reasonable alternatives. The cover is critical to prevent further structural damage to the home and conforms to the character of the neighborhood. Finally, not only does the cover not impact any other view of adjacent parcels. Based on the foregoing, the Applicants respectfully request approval of a variance to allow for construction of the cover in accordance with the Bell Engineering plans.

HOOD RIVER COUNTY, OR 2011-01865
D-WD 06/27/2011 10:16 AM
Cnt=1 Str=14 LEAH DAY \$10.00 \$11.00 \$15.00 \$10.00 \$46.00



00034340201100018650030034

I certify that this instrument was received and recorded in the records of said county.

Brian D. Beebe, Director of Records and Assessment and Ex-Officio Recorder.

After recording return to:

Darin D. Honn
Sussman Shank LLP
1000 SW Broadway, Suite 1400
Portland, OR 97205-3089

Send all tax statements to:

Timothy J. Roddy and Lisa M. Irwin,
Trustees
Roddy-Irwin Family Trust
19115 NE 42nd Court
Ridgefield, WA 98642

STATUTORY SPECIAL WARRANTY DEED

Timothy J. Roddy and Lisa M. Irwin, Grantors, convey and specially warrant to Timothy J. Roddy and Lisa M. Irwin, Trustees, Roddy-Irwin Family Trust, Grantee, the property located at 10 East Point Court, Hood River, Hood River County, Oregon, free of encumbrances created or suffered by the Grantor except as specifically set forth herein, and described on Exhibit A attached hereto and made a part hereof by this reference.

See attached Exhibit A

Tax Assessor's Parcel No. 3N10E36-AB-06500

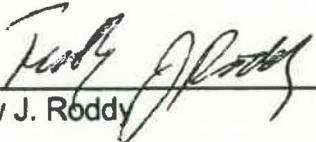
The true and actual consideration for this transfer is \$0 and consists of or includes other property or other value given or promised.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE

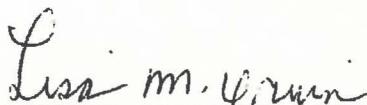
RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300,
195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON
LAWS 2009.

DATED this 14th day of June, 2011.

GRANTORS:



Timothy J. Roddy



Lisa M. Irwin

STATE OF OREGON)
)
County of Multnomah)

This instrument was acknowledged before me on June 14, 2011 by
Timothy J. Roddy.



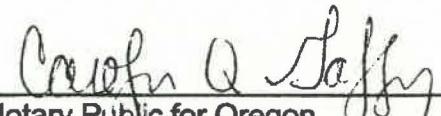


Carolyn Q. Gaffney
Notary Public for Oregon
My Commission Expires: 2-7-15

STATE OF OREGON)
)
County of Multnomah)

This instrument was acknowledged before me on June 14, 2011 by
Lisa M. Irwin.





Carolyn Q. Gaffney
Notary Public for Oregon
My Commission Expires: 2-7-15

EXHIBIT A

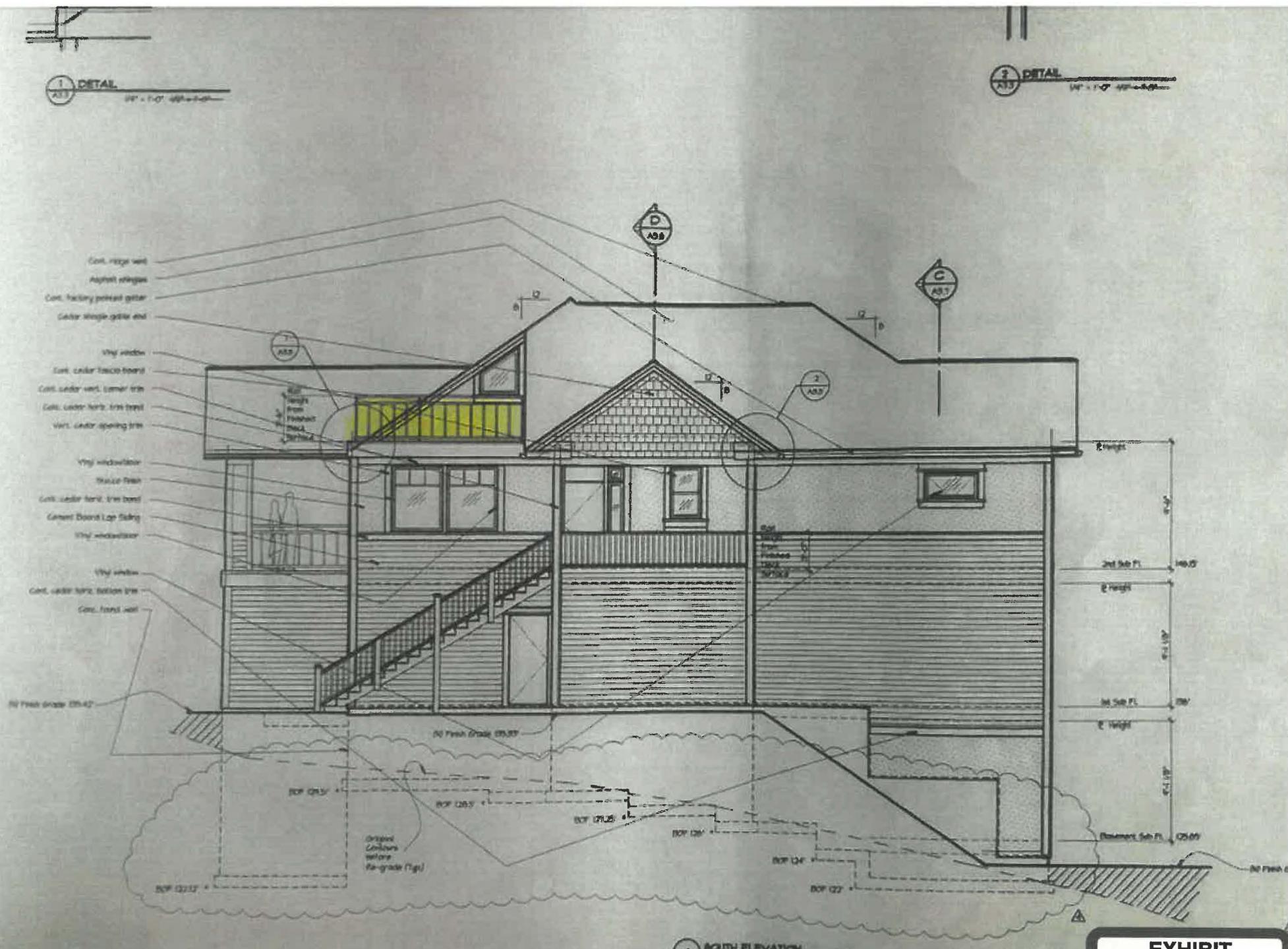
Parcel I: Beginning at the Southeast corner of Lot 8, Block 6, WINANS ADDITION TO THE CITY OF HOOD RIVER, in the City of Hood River, County of Hood River and State of Oregon; thence Northwesterly to a point on the West line of said lot that is 40 feet North of the Southwest corner thereof; thence Northwesterly to a point in the centerline of East Second Street as now vacated that is 60 feet North of the South line of said Winans Addition; thence South 60 feet along said street centerline to the South line of said Winans Addition; thence Easterly along said South line 75 feet, more or less, to the point of beginning.

Parcel 2: Lot 5, Block 7, WINANS ADDITIONAL TO THE CITY OF HOOD RIVER, in the City of Hood River, County of Hood River and State of Oregon, EXCEPT that portion conveyed to the City of Hood River by deed, recorded September 12, 1974, as Recorder's Fee No. 741720, Film Records.---

TOGETHER WITH that portion of vacated 2nd Street which inured thereto, by reason of the vaction thereof.---

EXHIBIT

A-3



A SOUTH ELEVATION
18' 7" x 10' 0" - 44'-0"

EXHIBIT

132

三

Roddy Residence

Hazel Street

Hood River, Oregon

HALF SIZE PRINTS
Note Revised Scale

SCHEDULE OF DRAWINGS

A0.1	TITLE SHEET	△ 07/04/04
A1.1	SITE PLAN	△ 05/18/04
A2.1	BASEMENT FLOOR PLAN	△ 04/26/04 △ 05/18/04
A2.2	FIRST FLOOR PLAN	△ 04/26/04 △ 05/18/04
A2.3	SECOND FLOOR PLAN	△ 04/26/04 △ 05/18/04
A2.4	ATTIC PLAN	△ 04/26/04 △ 05/18/04
A2.5	ROOF PLAN	△ 04/26/04 △ 05/18/04
A3.1	EXTERIOR ELEVATIONS	△ 05/18/04
A3.2	EXTERIOR ELEVATIONS	△ 05/18/04
A3.3	EXTERIOR ELEVATIONS	△ 05/18/04
A3.4	EXTERIOR ELEVATIONS	△ 05/18/04
A3.5	SECTION	△ 04/26/04 △ 05/18/04
A3.6	SECTION	△ 04/26/04 △ 05/18/04
A3.7	SECTION	△ 04/26/04 △ 05/18/04
A3.8	SECTION	△ 04/26/04 △ 05/18/04
A3.9	SECTION	△ 04/26/04 △ 05/18/04
A3.10	SECTION	△ 04/26/04 △ 05/18/04 △ 06/26/04
A4.1	not used	△ 06/26/04
A5.1	TYPICAL CONSTRUCTION NOTES	△ 06/26/04
A6.1	not used	
A7.1	INTERIOR ELEVATIONS	
A8.1	REFLECTED CEILING PLAN, FLOOR FINISHES PLAN	
A9.1	FINISH/DOOR/WINDOW SCHEDULES	△ 07/04/04
S1.1	LATERAL GACOS & BEAM SCHEDULE	△ 05/18/04 △ 06/26/04
S2.1	FOUNDATION PLAN	△ 05/18/04 △ 06/26/04 △ 07/04/04
S2.2	CREME SPACE WALLS & BASEMENT FLOOR - FRAMING PLAN	△ 05/18/04
S2.3	BASEMENT WALLS & FIRST FLOOR - FRAMING PLAN	△ 05/18/04
S2.4	FIRST FLOOR WALLS & SECOND FLOOR - FRAMING PLAN	△ 05/18/04
S2.5	SECOND FLOOR WALLS & ATTIC FLOOR - FRAMING PLAN - ROOF SUPPORT FRAMING	△ 05/18/04 △ 06/26/04
S2.6	ATTIC WALLS & ROOF SUPPORT FRAMING ABOVE ATTIC	△ 05/18/04
S2.7	ROOF FRAMING PLAN	△ 05/18/04
S2.8	STRUCTURAL ELEVATIONS	△ 07/04/04
S2.9	STRUCTURAL DETAILS - FRAME A	△ 05/18/04
S2.10	STRUCTURAL DETAILS - GARAGE DOOR WALL	△ 05/18/04 △ 06/26/04
S2.11	STRUCTURAL DETAILS - TYPICAL DRAG STRUT DETAIL	△ 05/18/04
S2.12	STRUCTURAL DETAILS	△ 05/18/04 △ 06/26/04
S2.13	STRUCTURAL DETAILS	△ 05/18/04 △ 06/26/04
M1.1	MECHANICAL NOTES & SCHEDULES (not incl at this time)	
M2.1	MECHANICAL PLAN - BASEMENT	△ 05/18/04
M2.2	MECHANICAL PLAN - FIRST FLOOR	△ 05/18/04
M2.3	MECHANICAL PLAN - SECOND FLOOR	△ 05/18/04
M2.4	MECHANICAL PLAN - ATTIC (not included at this time)	△ 06/26/04 △ 07/04/04
E1.1	ELECTRICAL NOTES & SCHEDULES (not included at this time)	
E2.1	ELECTRICAL PLAN - BASEMENT	△ 07/04/04
E2.2	ELECTRICAL PLAN - FIRST FLOOR	△ 07/04/04
E2.3	ELECTRICAL PLAN - SECOND FLOOR	△ 07/04/04
E2.4	ELECTRICAL PLAN - ATTIC	△ 07/04/04

Square Footage Totals					
	Basement	First Floor	Second Floor	Attic	Sub Totals
Living Area	1521 sq ft	1524 sq ft	1998 sq ft	-	5041 sq ft
Garage Area	-	813 sq ft	-	-	813 sq ft
Other	-	-	-	371 sq ft	371 sq ft
Deck Area	-	162 sq ft	231 sq ft	263 sq ft	662 sq ft
Total Per Floor w/o Deck Areas	1521 sq ft	2337 sq ft	1998 sq ft	371 sq ft	6233 sq ft

LEGAL DESCRIPTION

TAX LOT 6500, SECTION 35AD,
TOWNSHIP 3 NORTH, RANGE 10 E,
HOOD RIVER, OREGON

DIRECTORY

ARCHITECT:
Arthur Larsen, Architect pc
100 E Port Martin Drive, Suite 100
Hood River, OR 97083-2545
(541) 386-5431 Tel
(541) 381-3241 Fax
larsenarch@george.net

STRUCTURAL CONSULTANT:
Hoffner Consulting
PO Box 564
143 Jasper Lane
Mosier, OR 97040
hoffner@george.net



EXHIBIT

B-2

REVISIONS

* * *

△ REVISION 1 - 04/26/04
SEE SCHEDULE OF DRAWINGS

△ REVISION 3 - 06/26/04
SEE SCHEDULE OF DRAWINGS

tables

133

ZONING NOTES:

Site has greater than 10' Elevation change.
Finish Grade is 124' at North,
Ridge is 42'-10".
Calc: $10' + 35' = 45'$ Allowable.

EXHIBIT

tabbies®

B-3

A photograph showing a close-up view of a light-colored, textured concrete wall. A dark blue tarp is draped over the left side of the frame, partially covering the wall. In the lower right corner, a red, cylindrical object, possibly a fire extinguisher or a canister, lies on the ground. The lighting creates strong shadows and highlights on the rough concrete surface.

EXHIBIT

tables

C-1
135



EXHIBIT

tabbies®

C-2

136



EXHIBIT

Tables

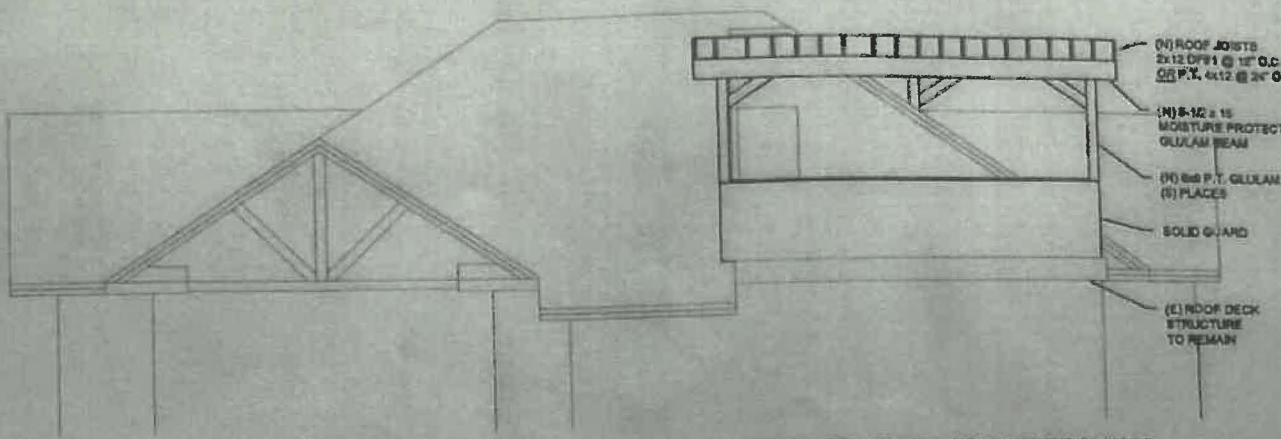
F-3
137



EXHIBIT

C-4

tabbles®



PARTIAL WEST ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.4 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002.
FOR FULL BUILDING ELEVATION

(N) ROOF JOISTS
2x12 DPF1 @ 12" O.C.
OR P.T. 4x12 @ 24" O.C.

(N) 8-12 x 16
MOISTURE PROTECTED
GLULAM BEAM

(N) 8x8 P.T. GLULAM POST
(6) PLACES

SOLID GUARD

(E) ROOF DECK
STRUCTURE
TO REMAIN

KNEE BRACING
TYPICAL AT POSTS
OPEN GUARD
PER CODE

PARTIAL SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.3 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002.
FOR FULL BUILDING ELEVATION

BELL DESIGN COMPANY

CIVIL ENGINEERING

LAND SURVEYING

800 WEST STEBBEN STREET, P.O.B. 306, BINGHAM, MA. 01825
PHONE (504) 443-2866 FAX (504) 443-2865



DECK COVER ADDITION

RODDY
RESIDENCE

10 E. POINTE CT. HODD RD.

SK-1

REMADE 1998 MA

10 E. POINTE CT. HODD RD.

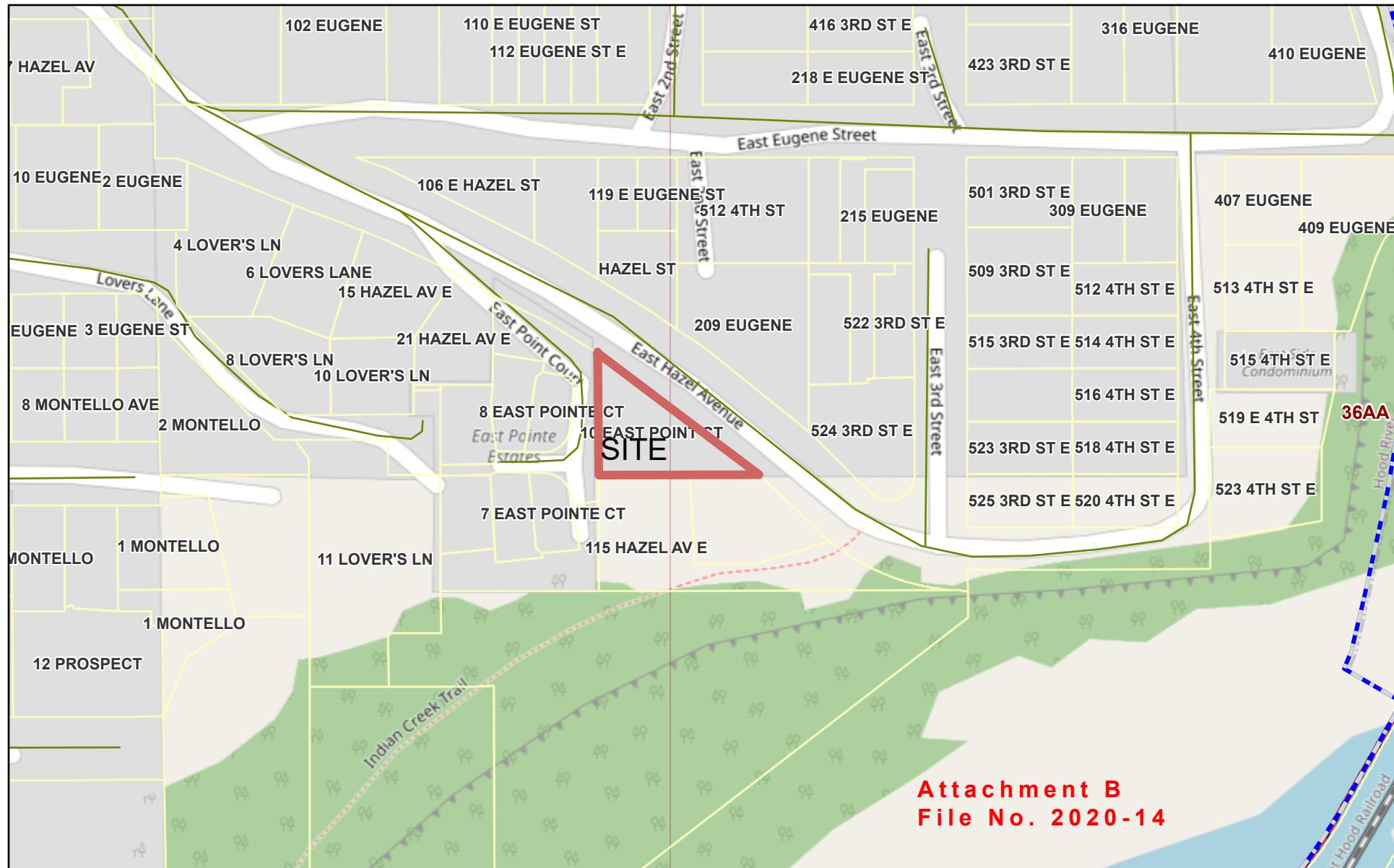
EXHIBIT

tabbles*

139

D

File No. 2020-14 - Location Map



**Attachment B
File No. 2020-14**

8/18/2020, 4:55:01 PM

1:2,257

 City Limits

 Hood River SITUS Addresses

 Urban Growth Boundary QuarterQuarterGRID

0 0.01 0.03 0.05 mi
0 0.02 0.04 0.08 km

© OpenStreetMap (and) contributors, CC-BY-SA

6

**City of Hood River
Plan Review
04-0072**

Subject Address: 12 E. Point Court

Owner of Record: Tim Roddy
Lisa Irwin
19115 NE 42nd Ct.
Ridgefield, WA (360) 576-0338

Contractor: Not Determined

Description of Work: Construction of a new wood-framed Single Family Dwelling w/attached garage. House 5420 sq. ft.; Garage 813 sq. ft. Decks 662 sq. ft.

Codes of Reference: 2003 One and Two Family Dwelling Specialty Code.

Planning Comments:

Setback Requirements: The minimum setback requirements shall be as follows:

Front yard: No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets.

Side yard: No structure shall be placed closer than 8 feet from the side property line for building heights from 28-35 feet.

Rear yard: No structure shall be placed closer than 10 feet from the rear property line building heights from 28-35 feet.

Projections: Projections may not encroach more than three (3) inches for each foot of required yard width.

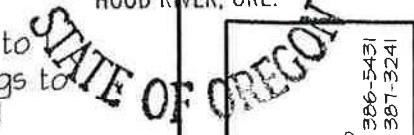
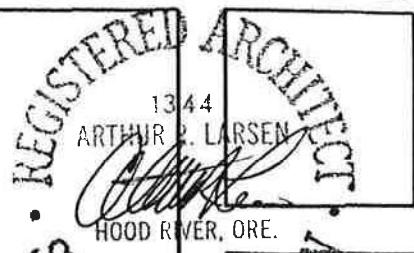
The property is triangular shaped and consists of 2 side yards and 1 front yard.

Maximum Building Height: 35 feet. As proposed the building exceeds 28 feet but is below 35 feet with the 10' slope accommodation and meets 8 foot setbacks.

ANY CHANGES TO THE SUBMITTED SITE PLAN REQUIRE REVIEW AND APPROVAL BY THE CITY.

Fire Comments:

The following requirements of the Oregon Uniform Fire Code (OUFC), 1998 edition, and the Urban Wildland Interface Code, 2000 edition, shall be met prior



100 E Port Marina Drive, Suite 100
HOOD RIVER, OR 97081 (541) 386-5431
larsenarch@qorge.net FAX (541) 387-3241

~~ARTHUR
R.
LARSEN
ARCHITECT~~



SITE PLAN

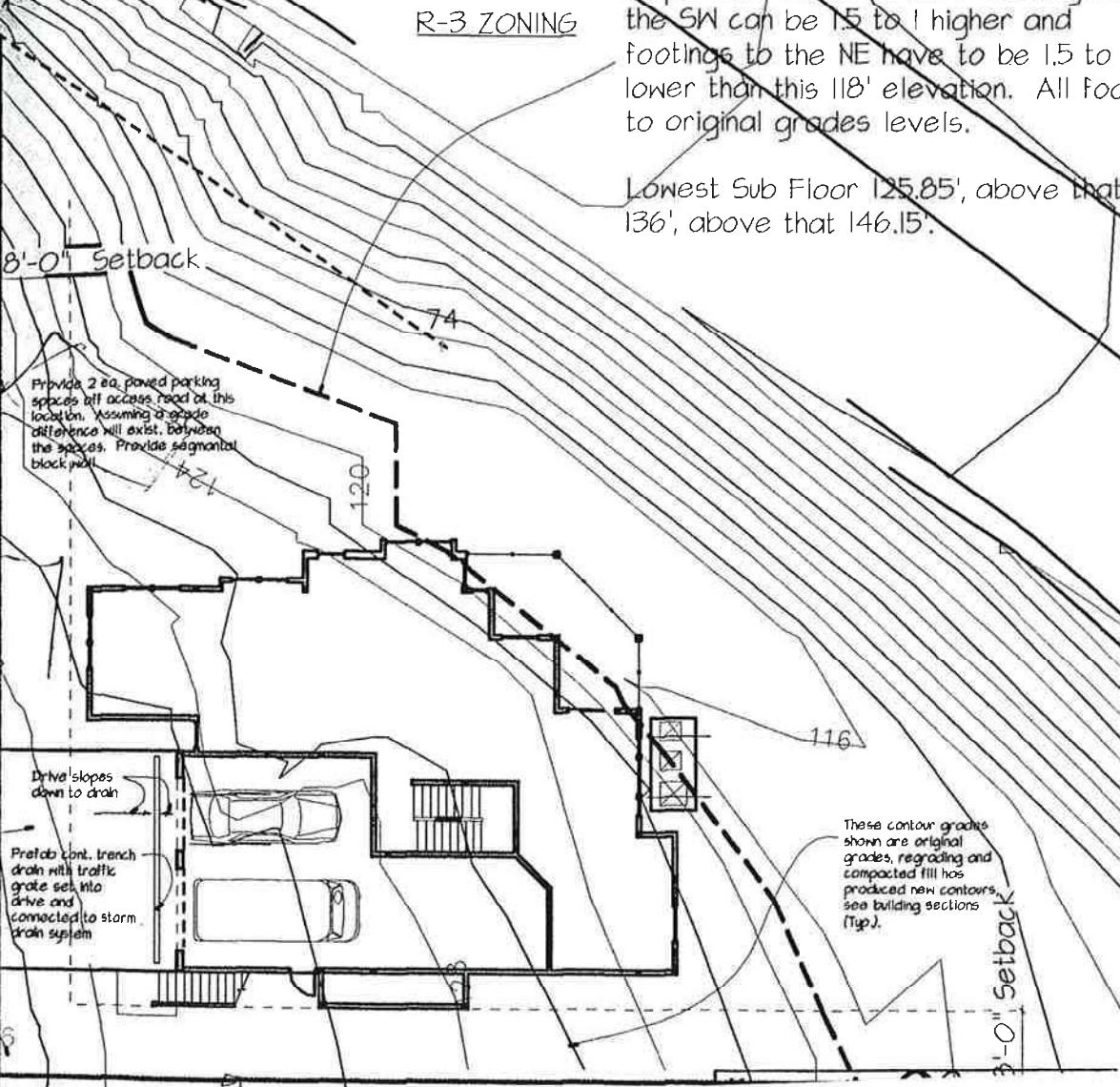
Job No: 28002
Date:

1A 1.1

R-3 ZONING

This 118' contour is the line of 1.5 to 1 slope from Hazel Street. Footings to the SW can be 15' to 1' higher and footings to the NE have to be 1.5 to 1 lower than this 118' elevation. All footing to original grades levels.

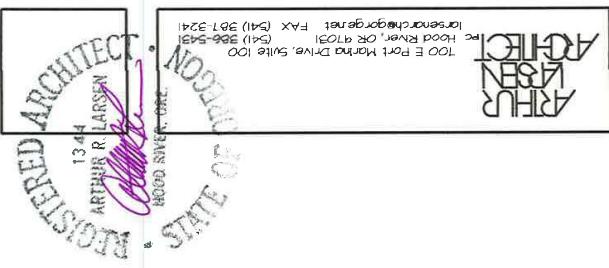
Lowest Sub Floor 125.85', above that 136', above that 146.15'.



Zone:	R3
Front setback:	10/20
Side setback:	2'
Rear setback:	corner
Parking:	2 per unit
It is the property owner's responsibility to know the legal location of their property lines.	

Height: 35'

(2 units = 4 spaces)

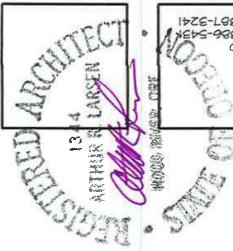


Roddy Residence
Hazel Street
Hood River, Oregon
Site Address: Hazel Street
Hood River, Oregon

A3.1

HALF REINFORCED
NOTE
SIZE PRINTER
ON 12/24
ON 12/20
ON 12/16
ON 12/15
ON 12/14





1314
THURSTON LARS
John M. C.

100 E Port Marnia Drive, Suite 100
Hood River, OR 97081 (541) 386-5434
100 E George Street FAX (541) 387-3241

ARCHIGI
ARTHUR
KUNSEN

Hood River, Oregon
Hazel Street
Roddy Residence
51st Address: Hazel Street
Hood River, Oregon

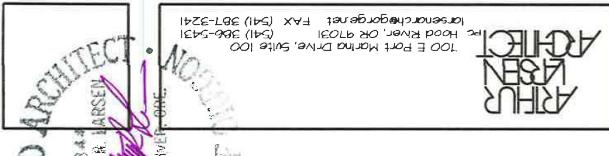
ELEVATIONS
ALTERNATE 6B

Job No: 28002
Date: 1/1/2013

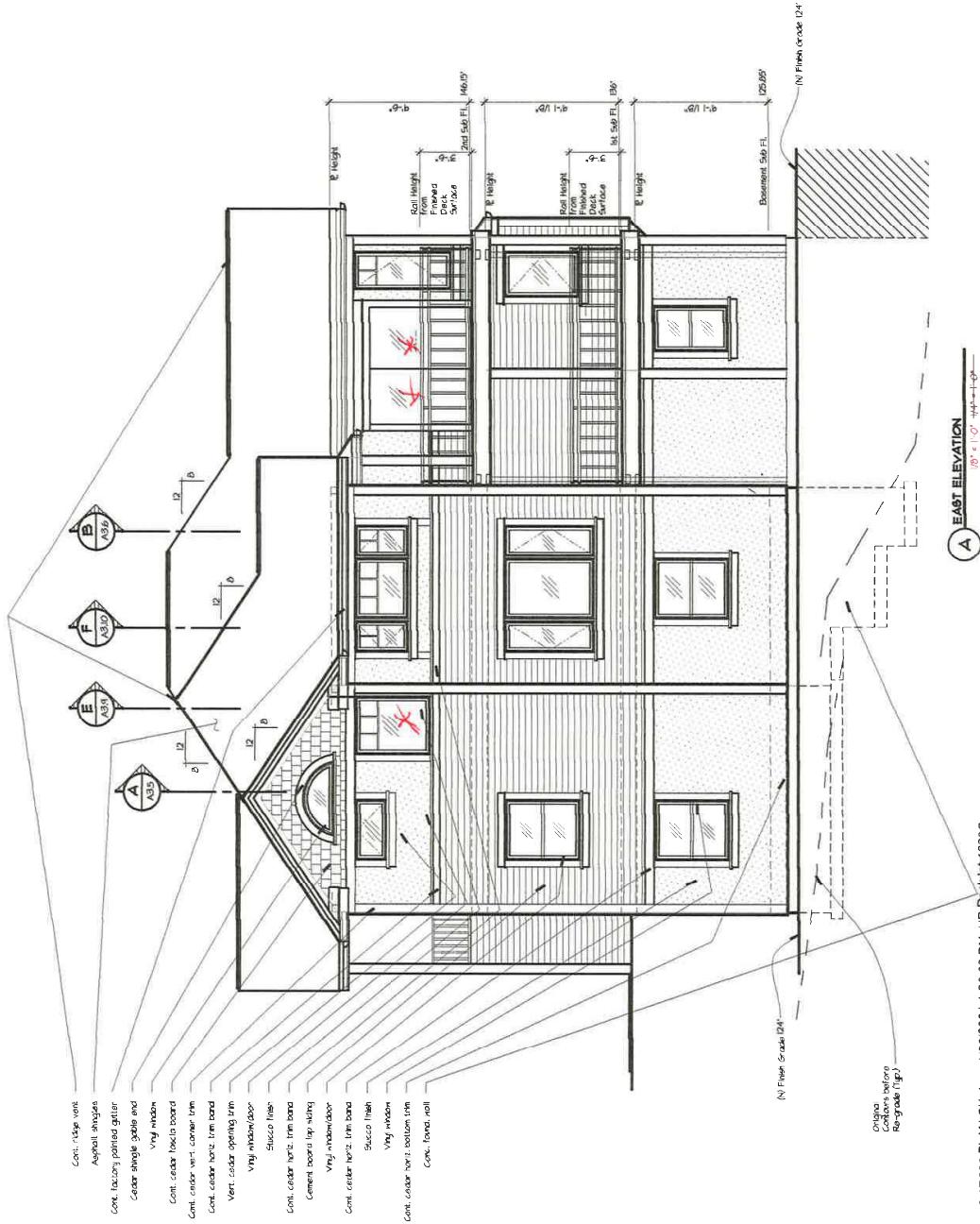
03/19/04
02/18/04
04/14/04

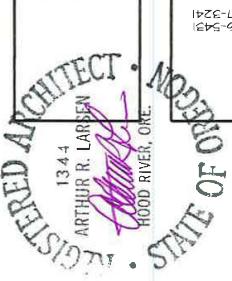


CK chwG 4/22/2004 11:06:38 AM HP Deskjet 1220C



10





100 E Port Marina Drive, Suite 100
Blood River, OR 97031 (541) 366-5431
resnarchgrge.net FAX (541) 367-3241

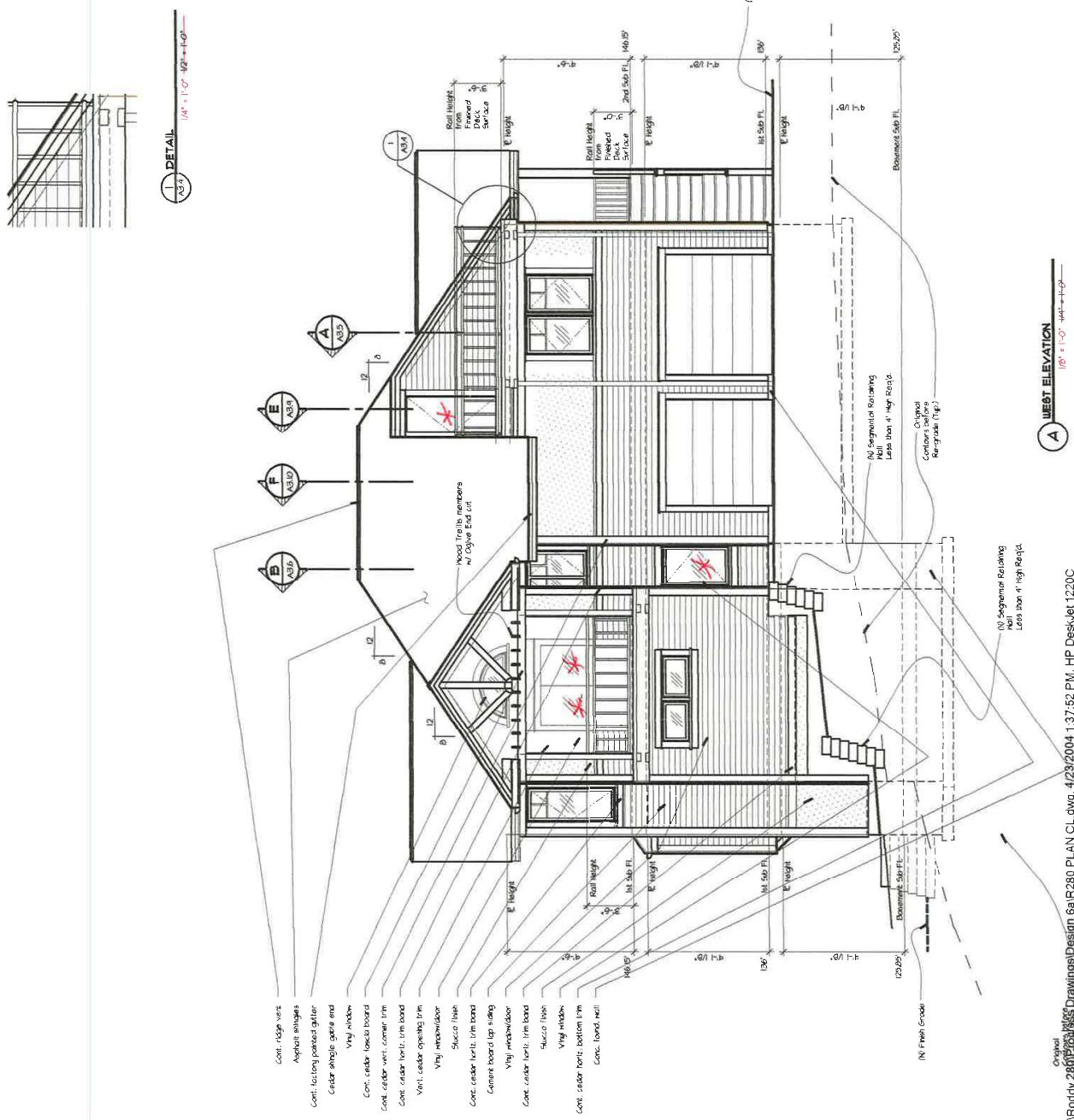
ARHUS
NÆSEN
ARHUS

Hood River, Oregon
Hazel Street, Hazel Street
Hoddy Reddicens

10

Job No: 2B002
Date:

147



REGISTERED ARCHITECT
1344
ARTHUR R. LARSON
HOOD RIVER, ORE.

STATE OF OREGON

100 E Port Marina Drive, Suite 100
Hood River, OR 97083 (541) 386-5431
FAX (541) 387-3241
larson@gorge.net

ARTHUR
LARSEN
ARCHITECT

Roddy Residence
Hazel Street
Hood River, Oregon
Site Address: Hazel Street
Hood River, Oregon

ELEVATIONS

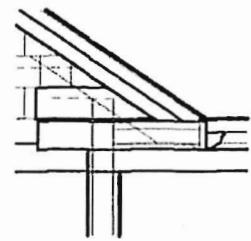
Job No: 28002
Date:
04/23/04
04/20/04
04/16/04
04/15/04
04/09/04
04/01/04
03/23/04
03/19/04
02/18/04

A3.3

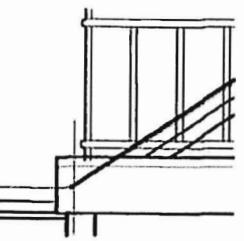
148

HALF SIZE PRINTS
late Revised Scale

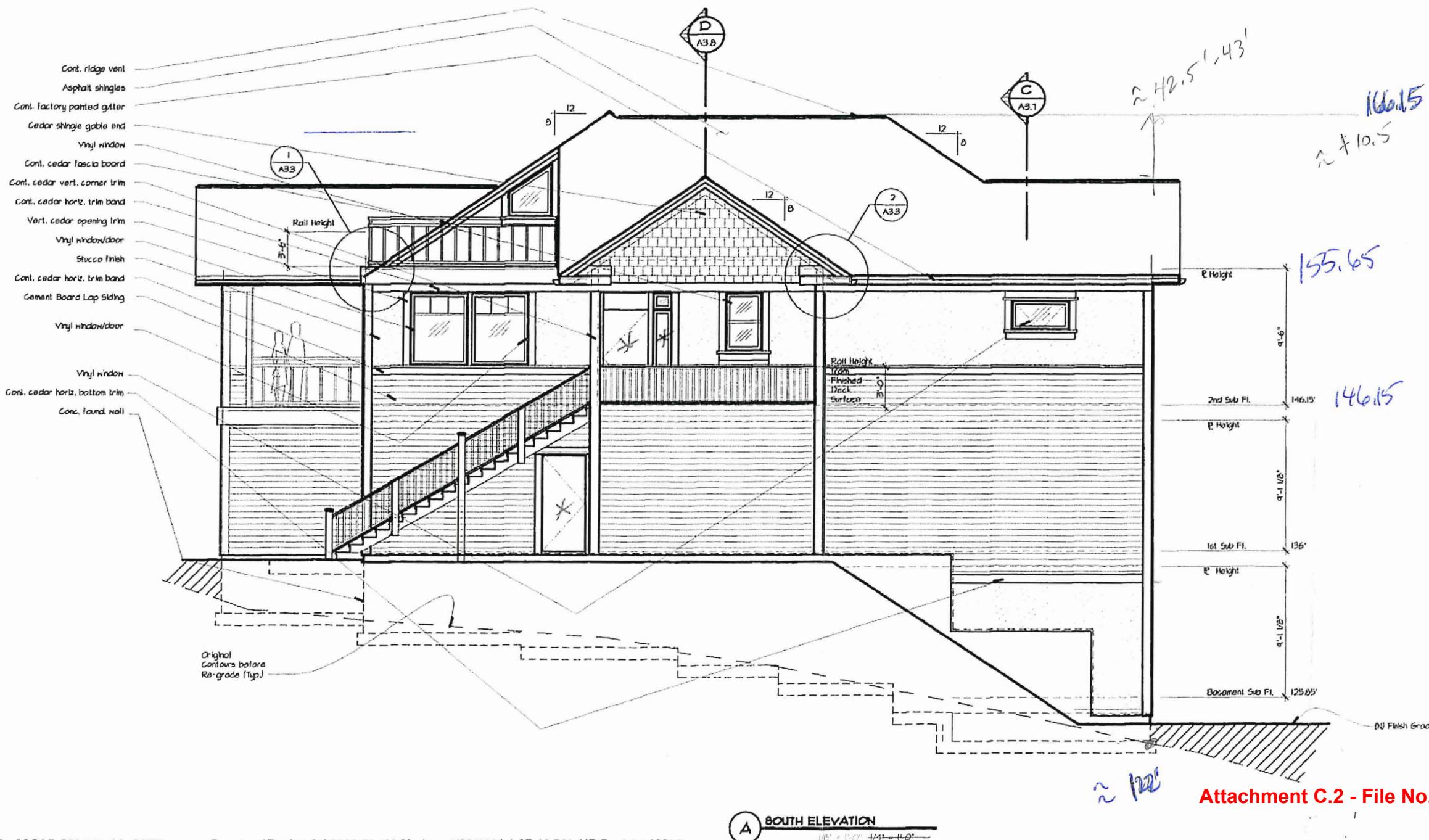
Attachment C.2 - File No. 2020-14

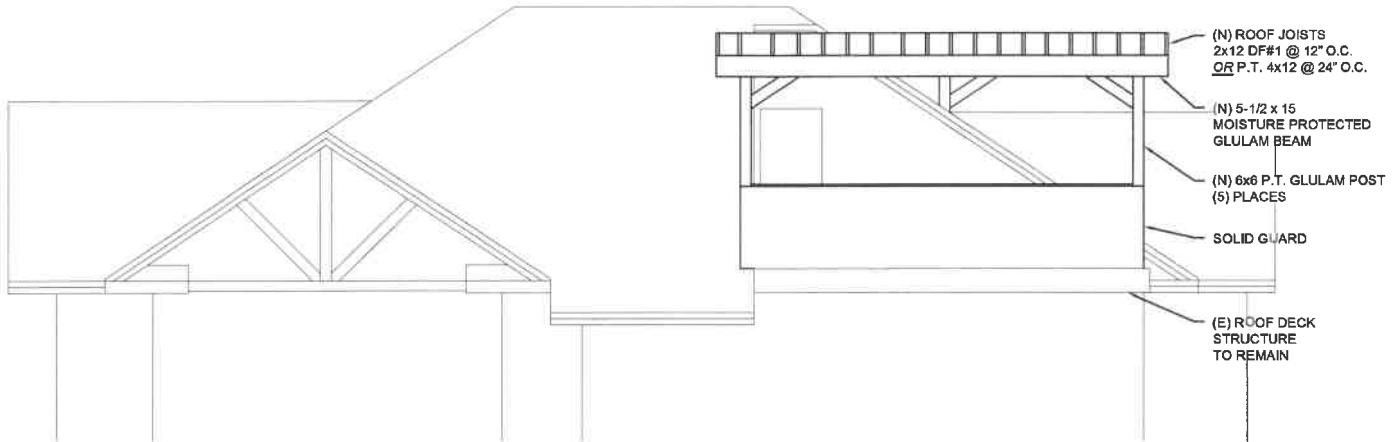


2 DETAIL
A3.3 1/4" = 1'-0" 1/2" = 1'-0"



1 DETAIL
A3.3 1/4" = 1'-0" 1/2" = 1'-0"

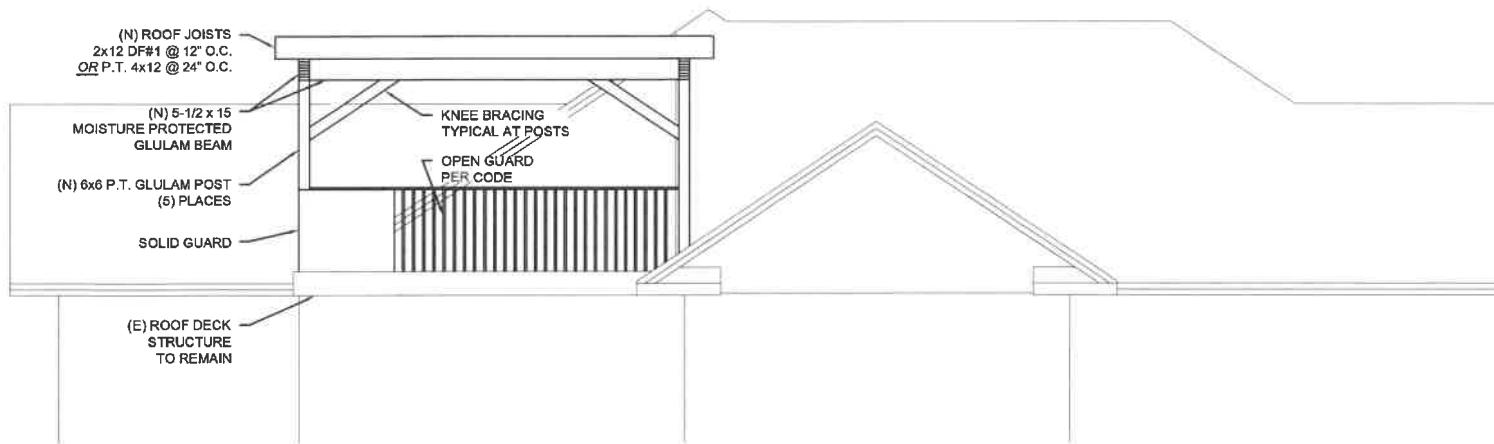




PARTIAL WEST ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.4 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002
FOR FULL BUILDING ELEVATION



PARTIAL SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

REFER TO SHEET A3.3 OF DRAWINGS
BY ARTHUR LARSEN ARCHITECT JOB NO.28002
FOR FULL BUILDING ELEVATION

Attachment D - File No. 2020-14

BELL DESIGN COMPANY

CIVIL ENGINEERING

LAND SURVEYING

400 WEST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605
PHONE (509) 493-3806 FAX (509) 493-3805



DECK COVER ADDITION

RODDY
RESIDENCE

10 E. POINTE CT. HOOD RIVER, OR

SK-1

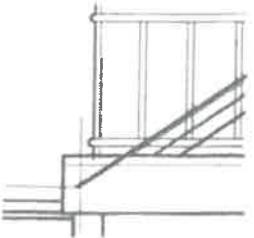
REPLACES DETAIL NA

JOB NO. 198288

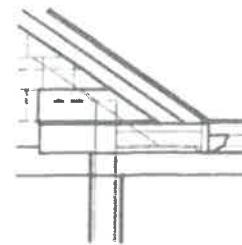
DATE

DRAWN BY EAH

CHECKED BY DAB



1 DETAIL
A3.3 14' = 1'-0" 42" - 1-0"



2 DETAIL
A3.3 14' = 1'-0" 42" - 1-0"

SEE STREET SK-1
BY PDC FOR
PROPOSED MODIFICATION

Cont. ridge vent
Asphalt shingles
Cont. factory painted gutter
Cedar shingle gable end

Vinyl window
Cont. cedar fascia board
Cont. cedar vert. corner trim
Cont. cedar horiz. trim band
Vert. cedar opening trim

Vinyl window/door
Stucco finish
Cont. cedar horiz. trim band
Cement Board Lap Siding
Vinyl window/door

Vinyl window
Cont. cedar horiz. bottom trim
Conc. pound wall

(N) Finish Grade 135.42'

(N) Finish Grade 135.33'

BOF 120.5'

BOF 120.5'

BOF 121.25'

BOF 126'

BOF 124'

BOF 122'

Basement End FL 123.05'

(N) Finish Grade 124'

Original
Contours
before
Re-grade (typ.)

A SOUTH ELEVATION
16' = 1'-0" 42" - 1-0"

HALF SIZE PRINTS
Note Revised Scale

- ▲ REVISION 4- OCT/2004 FOUNDATION DEPTHS/ ELECTRICAL/ PLUMBING
- ▲ REVISION 2- 05/10/04 BOTTOM OF FOOTING ELEVATIONS ADDED

A3.3

ORDINANCE NO. 1920

JR
BY ~~JR~~ CODIFIED
Date 1/8/09

(An ordinance Sections 17.03.010—Urban Low Density Residential Zone (R-1), 17.03.020—Urban Standard Density Residential Zone (R-2), 17.03.030—Urban High Density Residential Zone (R-3) and 17.05.040—Non-Conforming Uses and Structures—Exceptions, of the Hood River Municipal Code)

WHEREAS, the City undertook a visioning process that involved a written survey and town hall meetings;

WHEREAS, the following amendments to Title 17 respond to issues raised during the visioning process;

WHEREAS, the following amendments are consistent with the City's Comprehensive Plan as set forth in the attached Findings of Fact and Conclusions of Law, which are approved and hereby incorporated by reference;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Sections 17.03.010, .020, and .030 of the Hood River Municipal Code are amended to read as follows (additions shown in underline and deletions shown in strike out):

17.03.10 Urban Low Density Residential Zone (R-1)

A. Permitted Uses.

1. Single family dwellings and accessory structures
2. Home Occupations
3. Manufactured homes
4. Mobile home parks
5. Family day care
6. Residential care facilities
7. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches

C. Site Development Requirements.

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.

2. The minimum requirements for building sites are as follows:
 - a. Per dwelling, unit a minimum of 7,000 square feet.
 - b. A minimum frontage of fifty (50) feet on a dedicated public street.
 - c. A minimum frontage of thirty (30) feet on a public dedicated cul-de-sac.
3. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than six (6) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height:

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

* * *

[the remainder of this section intentionally omitted]

17.03.20 Urban Standard Density Residential Zone (R-2)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes
3. Home occupations
4. Manufactured homes
5. Bed and breakfast facilities
6. Mobile home parks
7. Family day care
8. Residential care facilities

9. Group residential, if less than fifteen (15) persons
10. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Townhouse projects

C. Site Development Standards.

The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/ rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

* * *

[the remainder of this section intentionally omitted]

17.03.30 Urban High Density Residential Zone (R-3)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes and triplexes
3. Multi-family dwellings, subject to site plan review
4. Rooming and boarding houses
5. Manufactured homes
6. Home occupations
7. Bed and breakfast facilities
8. Mobile home parks
9. Family day care
10. Residential care facilities
11. Group residential, if fifteen (15) or more persons, subject to site plan review
12. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent home
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Planned unit developments
7. Professional offices
8. Hostels
9. Townhouse projects

C. Site Development Requirements.

1. Minimum Lot Size: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. The minimum requirements for building sites are as follows:
 - a. Per dwelling unit or duplex: A minimum area of 5,000 square feet.
 - b. Per townhouse building: A minimum of 5,000 square feet for the first two (2) residential units and 1,500 square feet each for any additional residential units.
 - c. A minimum frontage of fifty (50) feet on a dedicated public street.
 - d. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
3. Lot coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a public dedicated street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the public dedicated streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than five (5) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
 - e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential uses may be conditionally permitted up to thirty-five (35) feet pursuant to Chapter 17.06 (Conditional Uses).

* * *

[the remainder of this section intentionally omitted]

Section 17.05.040 of the Hood River Municipal Code is amended to read as follows (additions shown in underline and deletions shown in strike out):

17.05.040 Exceptions

Any nonconforming structure being used for a residential use before the enactment of this ordinance may be

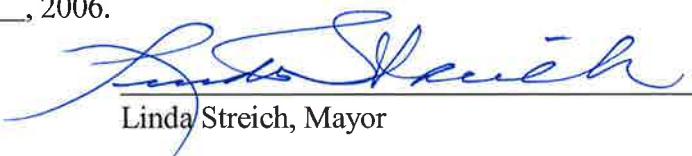
1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of residential units, and serves the same use as the original structure.
2. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:

- a. The structure maintains the same or fewer number of residential units.
- b. The setback requirements for residential dwellings are met. In cases where the structure does not meet the residential zoning setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon the setback requirements.
- c. The residential off-street parking requirement shall not be reduced.
- d. The nonconforming structure is not located in an existing City right-of-way.
- e. The modification or enlargement does not exceed the allowed maximum building height.

Read for the first time: November 27, 2006.

Read for the second time and passed: December 11, 2006, to become effective thirty (30) days hence.

Signed December 12, 2006.



Linda Streich
Linda Streich, Mayor

ATTEST:



Jill Rommel, City Recorder

**BEFORE THE CITY OF HOOD RIVER CITY COUNCIL
HOOD RIVER, OREGON**

In the Matter of the Title 17)
Amendments—Lot Coverage,)
Townhouses as Conditional)
Uses, Bed and Breakfast)
Parking

FINDINGS AND CONCLUSIONS

I. BACKGROUND INFORMATION: These proposed amendments to Title 17 reduce the building height for residential uses in the R-1, R-2, and R-3 zones (except for multi-family). These are part of the several code amendments drafted in response to the extensive visioning process the City undertook over the last 18 months. That process included a written questionnaire mailed to all City residents and several town hall meetings. The overwhelming response from the visioning process led City staff to look at possible code amendments that would address citizen concern for the increasing height, bulk and scale of development, with the proliferation of townhouse projects and increasingly larger homes being the focus of attention.

II. REQUEST: The City of Hood River made application to amend the Hood River Municipal Code as shown in Ordinance 1920.

III. APPLICABLE ORDINANCE CRITERIA:

HRMC, Chapter 17.09.050 – Legislative Actions.
HRMC, Chapter 17.09.100 – Criteria for Approval.

A. A. 17.09.050 – Legislative Actions

Section 17.09.050 sets out the notice and hearing procedures to be followed for legislative ordinance amendments. This is a legislative ordinance amendment because it is broad in scope and does not affect few property owners or properties.

These ordinance amendments were initiated by the Council.

Public hearings are required by 17.09.050 were held before the Planning Commission and the City Council. The Planning Commission's recommendation is contained in the record.

Notices in accordance with Section 17.09.050 were provided and copies of the notices are contained in the record.

B. 17.09.100—Criteria for Approval

This provision states that the applicant, in this case the City, has the burden of proof to show that the propose ordinance amendments comply with the City's Comprehensive Plan, the Statewide Planning Goals, and the applicable provisions of the Oregon Revised Statutes and the Hood River Municipal Code. Council finds that the City has met its burden of proof.

I. COMPREHENSIVE PLAN

GOAL 1 - CITIZEN INVOLVEMENT: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures have been followed to process this legislative ordinance amendment.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

This legislative ordinance amendment follows the process and meets the applicable ordinance provisions.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands for forest uses.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural, historic, and scenic resources.

The ordinance amendments will not adversely impact any Goal 5 resources and will increase the amount of open space in development due to the lot coverage limitations.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the planning area to provide a relatively pollution free environment.

The proposed ordinance amendments will not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

Not applicable.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the community and visitors to the area.

Not applicable.

GOAL 9 - ECONOMY: To diversify and improve the economy of the Hood River planning area.

Not applicable.

GOAL 10 - HOUSING: To provide for the housing needs of the residents of Hood River.

The proposed ordinance amendments will not reduce the amount of land available for housing.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Not applicable.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system, realizing maximum mobility for the citizens of the community.

Not applicable.

GOAL 13 - ENERGY CONSERVATION: To conserve energy and encourage the use of renewable energy resources.

Not applicable.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

Not applicable.

4. STATEWIDE PLANNING GOALS & GUIDELINES:

GOAL 1 - CITIZEN INVOLVEMENT: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures have been followed to process these ordinance amendments.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The request has been evaluated and processed according to an acknowledged Comprehensive Plan and Zoning Ordinance.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural and scenic resources.

See comments under City Comprehensive Plan Goal 5.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the state.

The proposed ordinance amendments do not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

Not applicable.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Not applicable.

GOAL 9 - ECONOMY: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Not applicable.

GOAL 10 - HOUSING: To provide for the housing needs of the citizens of the state.

See findings under City Goal 10 above.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Not applicable.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system.

Not applicable.

GOAL 13 - ENERGY CONSERVATION: To conserve energy.

Not applicable.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

DECISION: Based on the above Findings and Conclusions, the City Council approves the proposed ordinance amendments as shown in Ordinance 1920.

Jennifer Kaden

From: Leonard Damian
Sent: Thursday, July 9, 2020 2:41 PM
To: Jennifer Kaden; Danielle Meyers
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Follow Up Flag: Follow up
Flag Status: Flagged

Jennifer

From my perspective, the critical issue is that this is within the WUI area, making the material choices essential as it is exposed. However, the overall height is still below the current height of the building, and any new item would be mute related to the existing building and access.

I'm glad to discuss if I'm missing anything....

--Leonard

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Thursday, July 9, 2020 11:17 AM
To: Leonard Damian <L.Damian@cityofhoodriver.gov>; Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Subject: Request for Comments - File No. 2020-14; Irwin Variance

Hi Leonard & Danielle –

This is a Request for Comments for a Variance application – File No. 2020-14 (Irwin). Property location is 10 East Point Court (3N10E36AB Tax Lot 6500). The applicant is requesting an exception to the building height in order to construct a roof over an existing 3rd story deck. The existing house and proposed roof exceed current allowed maximum building height. (See P. 17 of attachment for drawing of proposed roof addition)

We are scheduling a hearing before the Planning Commission for this application on September 8th. Please provide any comments you have – e.g. key issues for a building permit if it is approved or concerns about the proposal from a fire or building code perspective – by Friday, August 14, 2020.

Please let me know if you have any questions or need additional information.

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 • P 541-387-5215

Attachment F - File No. 2020-14



DISCLAIMER: This e-mail is a public record of the City of Hood River and is subject to public disclosure unless exempt from disclosure under the Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

Jennifer Kaden

From: Danielle Meyers
Sent: Friday, July 10, 2020 8:32 AM
To: Jennifer Kaden; Leonard Damian
Cc: Danielle Meyers
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jennifer,

I agree with what Leonard state, if they end up getting approved for a roof covering, we would want it to be of non-combustible construction. I am glad they have an engineered design.

As a side note, I don't buy into the fact that they need it covered in order to maintain a safe and non-damaged deck surface. From their history, the products they chose and the low prices they paid it appears they never had a quality product to put on to begin with and then kept patching it. They mentioned 2 years after having the decks done and coated because of failing, they had the same company back out to repair it and they paid \$1000. It should have been warrantied. I guess what I am saying, is if you don't approve it, they would have a solution to not have a failing deck. They would likely hire a good roofing contractor and do a concrete deck or a vinyl insulated deck and could put some non combustible pavers on top for walking. There could also be some moisture trapped in the roof below the deck, as I don't know how well the house was constructed or if it is time for a new roof, etc.

Danielle

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Thursday, July 9, 2020 11:17 AM
To: Leonard Damian <L.Damian@cityofhoodriver.gov>; Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Subject: Request for Comments - File No. 2020-14; Irwin Variance

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This is a Request for Comments for a Variance application – File No. 2020-14 (Irwin). Property location is 10 East Point Court (3N10E36AB Tax Lot 6500). The applicant is requesting an exception to the building height in order to construct a roof over an existing 3rd story deck. The existing house and proposed roof exceed current allowed maximum building height. (See P. 17 of attachment for drawing of proposed roof addition)

We are scheduling a hearing before the Planning Commission for this application on September 8th. Please provide any comments you have – e.g. key issues for a building permit if it is approved or concerns about the proposal from a fire or building code perspective – by Friday, August 14, 2020.

Please let me know if you have any questions or need additional information.

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 • P 541-387-5215

Attachment G - File No. 2020-14

Jennifer Kaden

From: Danielle Meyers
Sent: Tuesday, August 25, 2020 1:22 PM
To: Jennifer Kaden; Leonard Damian
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Thanks Jennifer,

If approved we will need to work closely with them on the permit. I still think this all could have been avoided with good construction craftsmanship. IF not approved, from looking at the report a long time ago I am confident it can be fixed correctly, they just need to hire an experienced crew.

Danielle

From: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>
Sent: Wednesday, August 19, 2020 1:13 PM
To: Danielle Meyers <D.Meyers@cityofhoodriver.gov>; Leonard Damian <L.Damian@cityofhoodriver.gov>
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Danielle/Leonard –

FYI only – attached is the notice of public hearing for this application. No action needed on your part.

Thanks,
Jennifer

Jennifer Ball Kaden • Associate Planner
City of Hood River • cityofhoodriver.gov
211 2nd Street Hood River, OR 97031 • P 541-387-5215



DISCLAIMER: This e-mail is a public record of the City of Hood River and is subject to public disclosure unless exempt from disclosure under the Oregon Public Records Law. This e-mail is subject to the State Retention Schedule.

From: Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Sent: Friday, July 10, 2020 8:32 AM
To: Jennifer Kaden <J.Kaden@cityofhoodriver.gov>; Leonard Damian <L.Damian@cityofhoodriver.gov>
Cc: Danielle Meyers <D.Meyers@cityofhoodriver.gov>
Subject: RE: Request for Comments - File No. 2020-14; Irwin Variance

Hi Jennifer,

I agree with what Leonard state, if they end up getting approved for a roof covering, we would want it to be of non-combustible construction. I am glad they have an engineered design.

Jennifer Kaden

From: Scott Skelton <swskelton3@gmail.com>
Sent: Friday, August 28, 2020 9:41 AM
To: Jennifer Kaden
Subject: File no. 2020-14-Irwin VAR

Please count me as a no. The second drawing depicts a failure of planning, plan check and building inspections as it shows the structure was in violation of the height restrictions in place when it was built. The owners are family of the original owners and are lucky they weren't required to bring it into compliance before it was finished. This neighborhood is already scared in several areas due to omissions, allowing or permitting contrary to city code 1.04.060. by city staff in the past.

Sincerely, Scott Skelton
509 east 3rd street
Hood River

Attachment H - File No. 2020-14

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and Members of the City Council

From: Wade Seaborn, Senior Project Manager

Subject: Update on the Cascade & Rand signalization project and passage of Resolution 2020-17, authorizing the use of eminent domain

Background:

In July 2017 the City entered into an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) for the design and construction of Cascade and Rand intersection improvements. This project is an important component of the City's planned transportation capital improvements. It will realign the Rand/Cascade intersection, provide a true pedestrian crossing and signalize the intersection. The City is funding its portion of the project through the Road SDC Fund – Capital Outlay. A more detailed discussion of the project budget is included in tonight's presentation.

The purpose of tonight's presentation is two-fold. First off, ODOT staff will provide an overview and update of the project status. Secondly, City staff will be requesting the passage of Resolution 2020-17. Resolution 2020-17 authorizes ODOT to use the power of eminent domain, if necessary, to acquire certain parcels of land described in Exhibit A to the resolution on behalf of the City. Eminent domain exists to protect both the property owner and the Agency. It is only exercised upon the failure to reach an agreement through all other negotiations. Eminent domain, or condemnation, ensures the property is transferred at a fair market value.

The Cascade and Rand intersection improvement project is just entering the right-of-way phase. Legal descriptions have been written for the parcels of land required to be obtained for the construction of the project. These legal descriptions, along with sketches depicting the areas, are included as Exhibit A to Resolution 2020-17. The purchases include fee title, permanent easements and temporary construction easements.

The next step in the process is property appraisals and negotiating purchase prices with the property owners. While ODOT has had preliminary contact with all affected property owners, they cannot begin the negotiation process without first being authorized to use the power of eminent domain, if necessary, through the passage of Resolution 2020-17.

Staff Recommendation: Approve Resolution 2020-17, authorizing the use of eminent domain for property acquisition at the Cascade and Rand intersection.

Suggested Motion: I move that on tonight's agenda we approve Resolution 2020-17, authorizing ODOT to use the power of eminent domain for the certain properties described in Exhibit A to Resolution 2020-17 on behalf of the City, if necessary.

Alternatives: Property acquisition cannot begin without authorizing the use of eminent domain.

Fiscal Impact: There is no impact to project costs by passing the resolution. Project funding is from the Road SDC Fund – Capital Outlay.

Attachments: Proposed Resolution 2020-17

**The City Council of
City of Hood River, Oregon
Resolution 2020-17**

**RESOLUTION EXERCISING THE POWER OF EMINENT DOMAIN
Right of Way Services**

WHEREAS, the City of Hood River may exercise the power of eminent domain pursuant to the City's Municipal Code and the Law of the State of Oregon generally, when the exercise of such power is deemed necessary by the Hood River City Council to accomplish public purposes for which the City has responsibility;

WHEREAS, the City has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public;

WHEREAS, the project known as Cascade and Rand Signalization has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS, to accomplish the project set forth above it is necessary to acquire the interests in the property described in "Exhibit A" attached to this Resolution and, by this reference incorporated herein; now, therefore,

NOW, THEREFORE, BE IT RESOLVED

1. The foregoing statements of authority and need are, in fact, the case. The project for which the property is required and is being acquired is necessary in the public interest, and the same have been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;
2. The power of eminent domain is hereby exercised with respect to each of the interests in property described in Exhibit A to this Resolution. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law;
3. The Oregon Department of Transportation and the Attorney General are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to

expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.

4. The City of Hood River expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality, or locality, and to change or abandon any acquisition.

Approved and Effective this 13th day of October, 2020 by the Hood River City Council.

Kate McBride, Mayor

Attest:

Approved as to form:

Jennifer Gray, City Recorder

Daniel Kearns, City Attorney

Exhibit A to Agency Resolution Exercising the Power of Eminent Domain

Property Descriptions

PARCEL 1 - Fee

A parcel of land lying in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Columbia River Banking Company, recorded April 24, 1992 in Hood River County Book of Records as Instrument No. 921239, the said parcel of said property lying between lines at right angles to the centerline of N Rand Road Engineers Stations 0+40.00 and 1+33.00 and included in a strip of land variable in width, lying on the Easterly side of said centerline, which centerline is described as follows:

The centerline of N Rand Road is described as follows:

Beginning at Engineers Centerline "N Rand Road" 0+00, said station being South 89° 42'55" East, 20.00 feet of the Northwest corner of Government Lot 6; thence South 0° 54'31" West, 137.77 feet to the terminus at its intersection with the centerline of the Old Columbia River Highway (US Highway 30) at Engineers Centerline station "OR30" 1160+13.30.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
0+40.00		0+52.00	59.20 feet in a straight line to 55.00 feet
0+52.00		0+89.00	55.00 feet
0+89.00		0+95.00	55.00 feet in a straight line to 63.00 feet
0+95.00		1+03.00	63.00 feet in a straight line to 65.00 feet
1+03.00		1+27.24	65.00 feet in a straight line to 95.94 feet
1+27.24		1+33.00	95.94 feet (33.00 feet) in a straight line to 94.53 feet
(1161+04.00)		(1161+04.00)	

This Parcel of land contains 1,779 square feet, more or less.

PARCEL 2 - Fee

A parcel of land lying in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Columbia River Banking Company, recorded April 24, 1992 in Hood River County Book of Records as Instrument No. 921239, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30)

Engineers Stations 1161+04 and 1161+80 and included in a strip of land 33.00 feet in width, lying on the Northerly side of said centerline, which centerline is described as follows:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

This Parcel of land contains 228 square feet, more or less.

PARCEL 3 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

A parcel of land lying in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Columbia River Banking Company, recorded April 24, 1992 in Hood River County Book of Records as Instrument No. 921239, the said parcel of said property lying between lines at right angles to the centerline of N Rand Road Engineers Stations 0+29.00 and 1+30.00 and included in a strip of land variable in width, lying on the Easterly side of said centerline, which centerline is described in Parcel 1:

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
0+29.00		0+40.00	102.82 feet in a straight line to 107.00 feet
0+40.00		0+41.00	107.00 feet in a straight line to 104.00 feet
0+41.00		0+45.00	104.00 feet in a straight line to 99.00 feet
0+45.00		0+55.00	99.00 feet in a straight line to 95.00 feet
0+55.00		0+97.00	95.00 feet
0+97.00		1+04.89	95.00 feet in a straight line to 101.40 feet
	(1161+04.00)		(56.00 feet)
1+04.89		1+33.00	101.40 feet (56.00 feet) in a straight line to
(1161+04.00)		(1161+04.00)	94.53 feet

Except therefrom that portion of Parcel 1 described herein.

This Parcel of land contains 3,155 square feet, more or less.

PARCEL 4 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

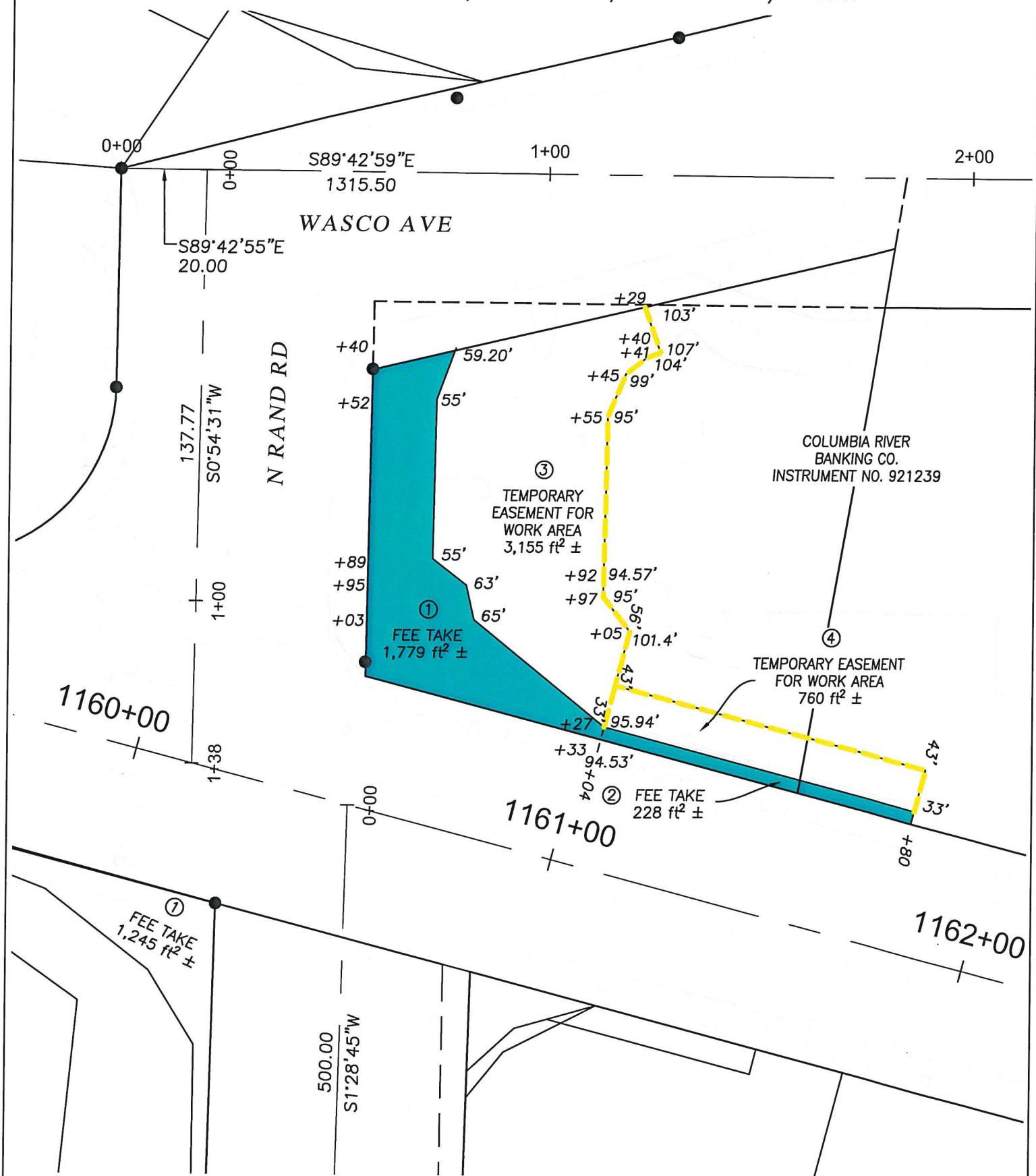
A parcel of land lying in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Columbia River Banking Company, recorded April 24, 1992 in Hood River County Book of Records as Instrument No. 921239, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30) Engineers Stations 1161+04 and 1161+80 and included in a stirp of land 43.00 feet in width, lying on the Northerly side of said centerline, which centerline is described in Parcel 2.

Except therefrom that portion of Parcel 2 described herein.

This Parcel of land contains 760 square feet, more or less.



SW SECTION 26, T. 3 N., R. 10 E., W.M.



OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
ENGINEERING
SKETCH MAP

SECTION	US30: CASCADE AVE AT RAND ROAD		
HIGHWAY	OLD COLUMBIA RIVER HIGHWAY (US30)	SCALE	1" = 30'
COUNTY	HOOD RIVER	FILE	9464001
DATE	JULY 30, 2020	SEE DRAWING	<RW464M>

PARCEL 1 - Fee

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Statutory Warranty Deed to The Linda J. Johnson Revocable Living Trust, recorded November 10, 2009 in Hood River County Book of Records as Instrument No. 2009-04331, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30) Engineers Stations 1160+85 and 1161+19.36 and included in a strip of land variable in width, lying on the Southerly side of said centerline, which centerline is described as follows:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1160+85.00		1161+02.00	66.35 feet in a straight line to 40.00 feet
1161+02.00		1161+19.00	40.00 feet in a straight line to 30.00 feet

This Parcel of land contains 267 square feet, more or less.

PARCEL 2 – Permanent Easement for Traffic Control Facilities

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Statutory Warranty Deed to The Linda J. Johnson Revocable Living Trust, recorded November 10, 2009 in Hood River County Book of Records as Instrument No. 2009-04331, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30) Engineers Stations 1161+08 and 1161+58 and included in a strip of land 36.00 feet in width, lying on the Southerly side of said centerline, which centerline is described in Parcel 1:

Except therefrom that portion of Parcel 1 described herein

This Parcel of land contains 265 square feet, more or less.

PARCEL 3 – Permanent Easement for Slopes

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Statutory Warranty Deed to The Linda J. Johnson Revocable Living Trust, recorded November 10, 2009 in Hood River County Book of Records as Instrument No. 2009-04331, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30) Engineers Stations 1160+90 and 1161+19.36 and included in a strip of land variable in width, lying on the Southerly side of said centerline, which centerline is described in Parcel 1:

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1160+90.00		1161+01.00	70.28 feet in a straight line to 46.00 feet
1161+01.00		1161+19.00	46.00 feet in a straight line to 30.00 feet

Except therefrom that portion of Parcel 1 described herein.

This Parcel of land contains 90 square feet, more or less.

PARCEL 4 - Temporary Easement for Work Area (3 years or duration of project, whichever is sooner)

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Statutory Warranty Deed to The Linda J. Johnson Revocable Living Trust, recorded November 10, 2009 in Hood River County Book of Records as Instrument No. 2009-04331, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30) Engineers Stations 1160+90 and 1161+79 and included in a strip of land variable in width, lying on the Southerly side of said centerline, which centerline is described in Parcel 1:

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1160+90.00		1161+79.00	184.08 feet in a straight line to 165.00 feet

EXHIBIT A - Page 3 of 3

9464002

Drawing RW9464M
07-30-2020

Except therefrom that portion of Parcel 1 described herein.

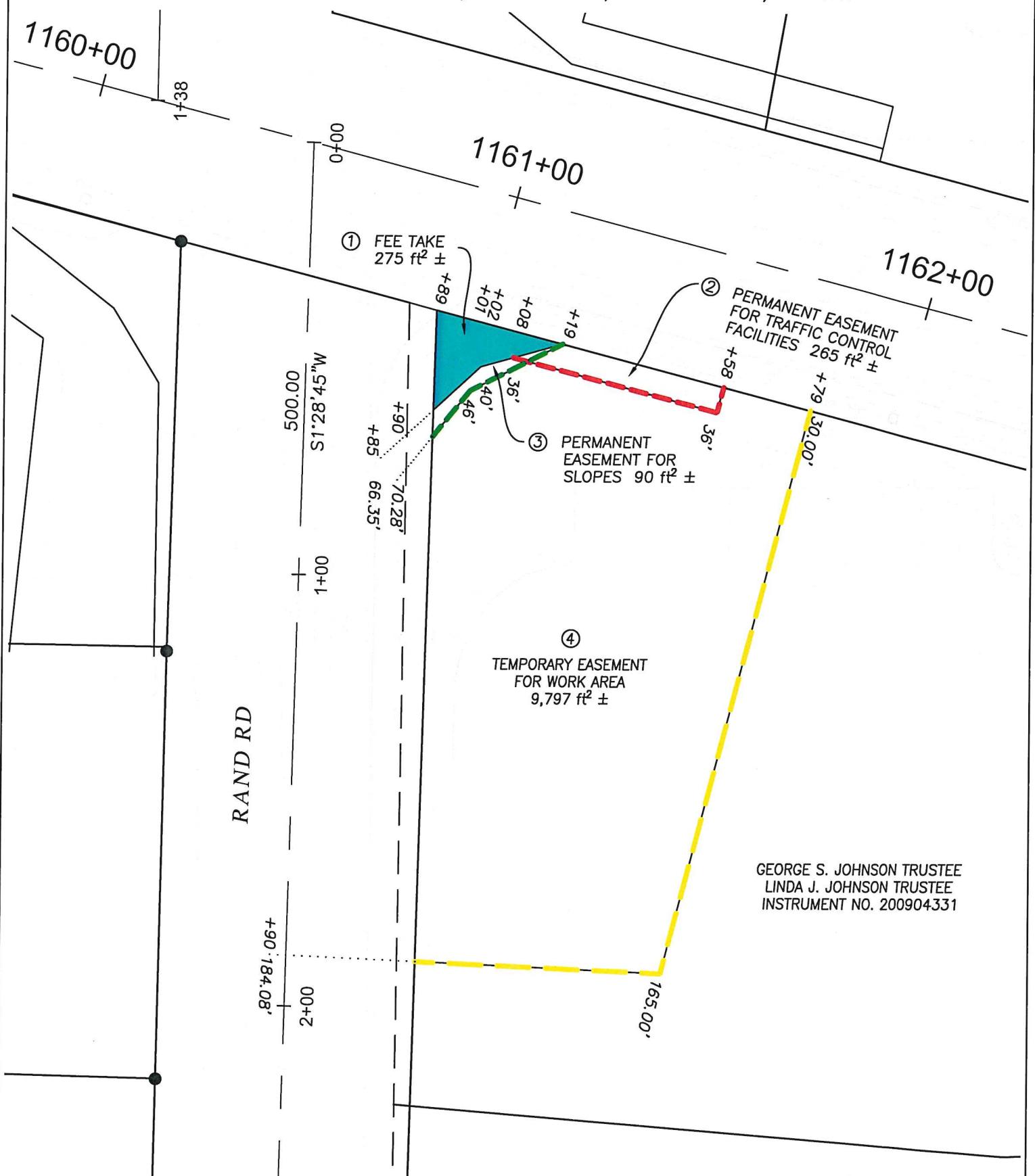
Also, except therefrom that portion of Parcel 2 described herein.

Also, except therefrom that portion of Parcel 3 described herein.

This Parcel of land contains 9,797 square feet, more or less.



SW SECTION 26, T. 3 N., R. 10 E., W.M.



OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY
ENGINEERING
SKETCH MAP

SECTION	US30: CASCADE AVE AT RAND ROAD		
HIGHWAY	OLD COLUMBIA RIVER HIGHWAY (US30)	SCALE	1" = 30'
COUNTY	HOOD RIVER	FILE	9464002
DATE	JULY 30, 2020	SEE DRAWING	<178 9464M>

PARCEL 1 - Access

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Robert E. Howard and Karen S. Howard, recorded January 15, 2008 in Hood River County Book of Records as Instrument No. 2008-00159, more particularly described as follows:

Beginning at a point marked by an iron rod which point is 570.1 feet North and 378.US feet East of the most Westerly Northwest corner of the William Jenkins Donation Land Claim No. 38, in the Southwest quarter of Section 26, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River, State of Oregon; thence North 131.50 feet, more or less, to an iron rod driven in the ground on the South line of the Old Columbia River Highway, now known as West Cascade Street. thence Southeasterly along the South line of said West Cascade Street, 135 feet, more or less, to the West right of way line of Rand Road; thence Southerly, along said West right of way line, 115 feet, more or less. to the Northeast corner of that tract of land conveyed to Howard D. Buchanan et ux., by Deed recorded March 18, 1988, as Recorder's Fee No. 880548, Film Records; thence West, along the North line of said tract, to the point of beginning. EXCEPTING THEREFROM the West 20 feet thereof, and INCLUDING (1) an appurtenant easement for road and utility purposes created by instrument dated April 6. 1977, recorded April 7, 197 , Microfilm No. 770799, Hood River County Records, and (2) an appurtenant easement for roadway dated June 27, 1990, recorded July 6, 1990, Microfilm No. 901860, Hood River County records.

This Parcel of land contains 14,976 square feet, more or less.

PARCEL 2 – Fee

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Robert E. Howard and Karen S. Howard, recorded January 15, 2008 in Hood River County Book of Records as Instrument No. 2008-00159, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+85 and 1160+40 and included in a stirp of land variable in width, lying on the Southerly side of said centerline, which centerline is described as follows:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75'21"50 East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1158+85.00		1159+60.00	34.00 feet
1159+60.00		1159+88.00	34.00 feet in a straight line to 37.00 feet
1159+88.00		1160+16.00	37.00 feet in a straight line to 49.00 feet
1160+16.00		1160+30.67	49.00 feet in a straight line to 63.00 feet
1160+30.67		1160+40.00	63.00 feet in a straight line to 60.78 feet

This Parcel of land contains 1,245 square feet, more or less.

PARCEL 3 - Fee

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Robert E. Howard and Karen S. Howard, recorded January 15, 2008 in Hood River County Book of Records as Instrument No. 2008-00159, the said parcel of said property lying between lines at right angles to the centerline of Rand Rd Engineers Stations 0+56.75 and 1+20.00 and included in a strip of land variable in width, lying on the West side of said centerline, which centerline is described as follows:

Beginning at Engineers Centerline "Rand Road" 0+00, said station being 54.15 feet East and 147.35 feet South of the Northwest corner of Government Lot 6, and being at Engineers Station 1160+50.86 of the centerline of the Old Columbia River Highway (US Highway 30); thence South 1°28'45" West, 500.00 feet to Engineers Centerline Station "Rand Road" 5+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
0+56.75		1+20.00	34.00 feet in a straight line to 32.96 feet

This Parcel of land contains 214 square feet, more or less.

PARCEL 4 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

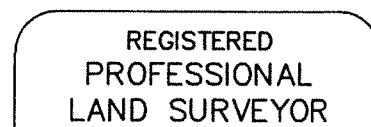
A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Robert E. Howard and Karen S. Howard, recorded January 15, 2008 in Hood River County Book of Records as Instrument No. 2008-00159, the said parcel of said property lying between lines at right angles to the centerline of The Old Columbia River Highway (US Highway 30) station 1158+85 and 1160+01.82 and between lines at right angles to the centerline of Rand Rd Engineers Stations 47.07 and 1+20 and included in a strip of land variable in width, lying on the West side of said centerline, which centerlines are described in Parcel 2 and Parcel 3:

The width in feet of said strip of land is as follows:

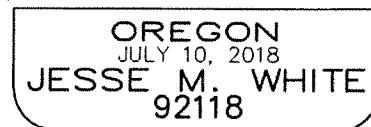
Station	to	Station	Width on the Easterly Side of Centerline
1158+85.00		1159+73.00	49.00 feet
1159+73.00		1160+01.82 (0+47.30)	49.00 feet in a straight line to 60.00 feet (61.23 feet)
0+47.07		1+20.00	61.23 feet in a straight line to 66.55 feet

Except therefrom those portions of land described in Parcel 2 and Parcel 3.

This Parcel of land contains 3,989 square feet, more or less.

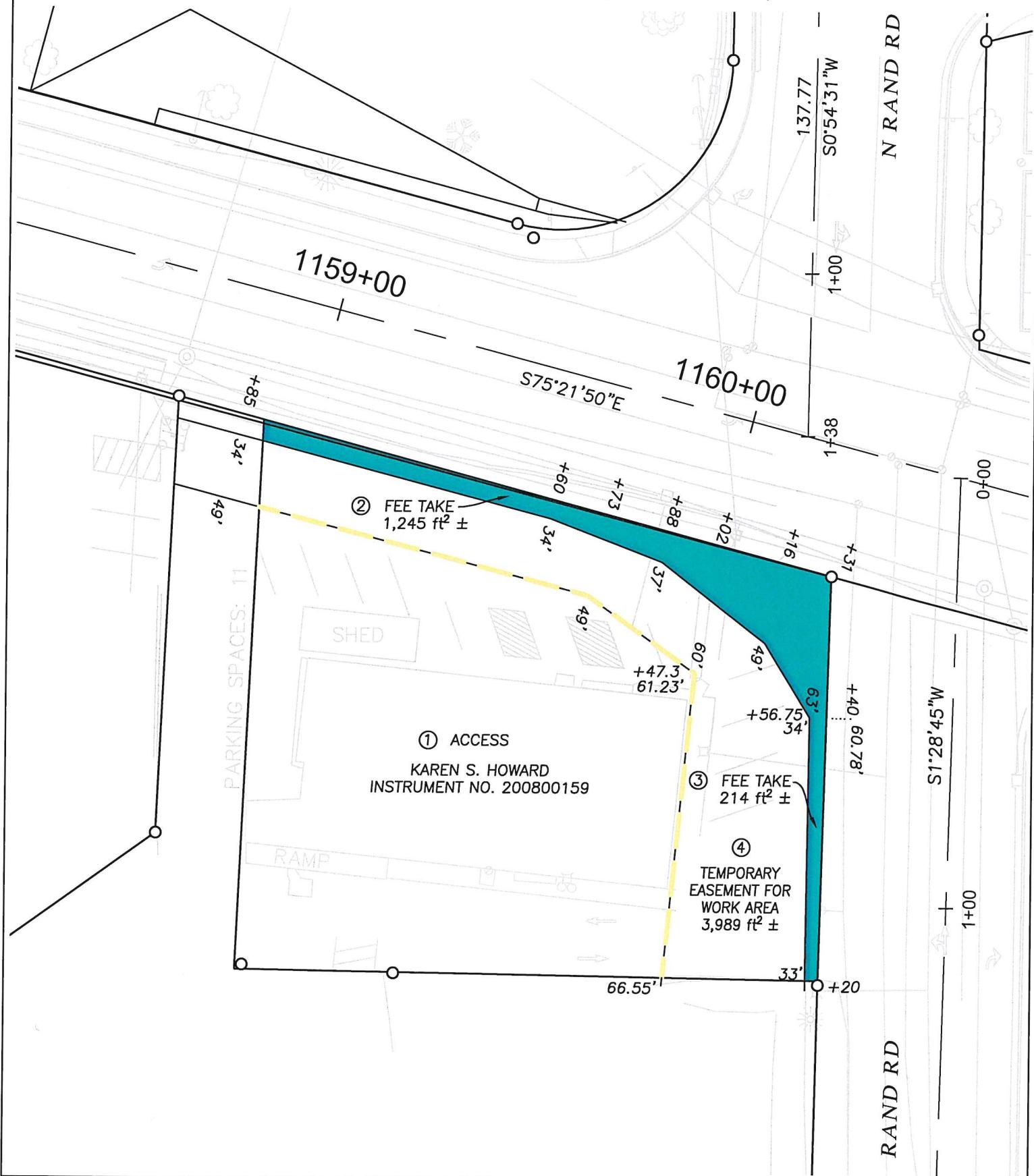


Jesse M. White
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RENEWS: 6/30/2022

SW SECTION 26, T. 3 N., R. 10 E., W.M.



 <p>OREGON DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ENGINEERING SKETCH MAP</p>	SECTION	US30: CASCADE AVE AT RAND ROAD		
	HIGHWAY	OLD COLUMBIA RIVER HIGHWAY (US30)		SCALE $1'' = 30'$
	COUNTY	HOOD RIVER		FILE 9464003
	DATE	JULY 30, 2020	SEE DRAWING <RW 464M>	

PARCEL 1 - Access

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Land Sale Contract to Ralph D. VanDyke and Felipe Castenda Robles, tenants in common, recorded June 27, 1990 in Hood River County Book of Records as Instrument No. 972373, shown on County Survey No. 91011, Hood River County Survey Records, more particularly described as follows:

Beginning at a point on the south right-of-way line of Cascade Street, which point is North 76°02'29" West, 138.69 feet from the right-of-way intersection of Cascade Street and Rand Road; thence, South 0°32'34" West, 128.71 feet; thence, South 89°27'25" East, 134.91 feet to the west right-of-way line of Rand Road; thence along said west right-of-way line, South 0°32'34" West, 100.00 feet; thence, North 89°27'25" West, 236.92 feet to an 1/2" iron rod marking the meander line of a creek; thence along the creek in a Northwesterly direction for 80 feet, more or less; thence from the meander line, South 89°27'25" East, 60.00 feet; thence, North 24°47'50" East, 27.42 feet; thence, North 53°40'23" East, 50.00 feet; thence, North 0°32'34" East, 101.50 feet to the aforementioned south right-of-way line of Cascade Street; thence along said south right-of-way line, South 76°02'29" East, 20.56 feet to the point of beginning.

PARCEL 2 - Fee

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Land Sale Contract to Ralph D. VanDyke and Felipe Castenda Robles, tenants in common, recorded June 27, 1990 in Hood River County Book of Records as Instrument No. 972373, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+65 and 1159+00 and included in a strip of land 34.00 feet in width, lying on the Southerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

This Parcel of land contains 101 square feet, more or less.

EXHIBIT A - Page 2 of 2

9464004

Drawing RW9464M

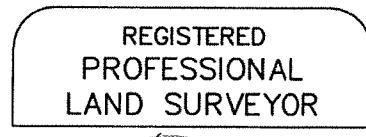
07-30-2020

PARCEL 3 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

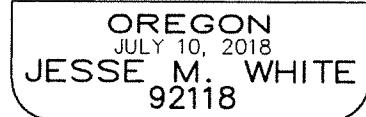
A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Land Sale Contract to Ralph D. VanDyke and Felipe Castenda Robles, tenants in common, recorded June 27, 1990 in Hood River County Book of Records as Instrument No. 972373, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+65 and 1159+00 and included in a strip of land 49.00 feet in width, lying on the Southerly side of said centerline, which centerline is described in Parcel 2:

Except therefrom that portion of land described in Parcel 2.

This Parcel of land contains 214 square feet, more or less.

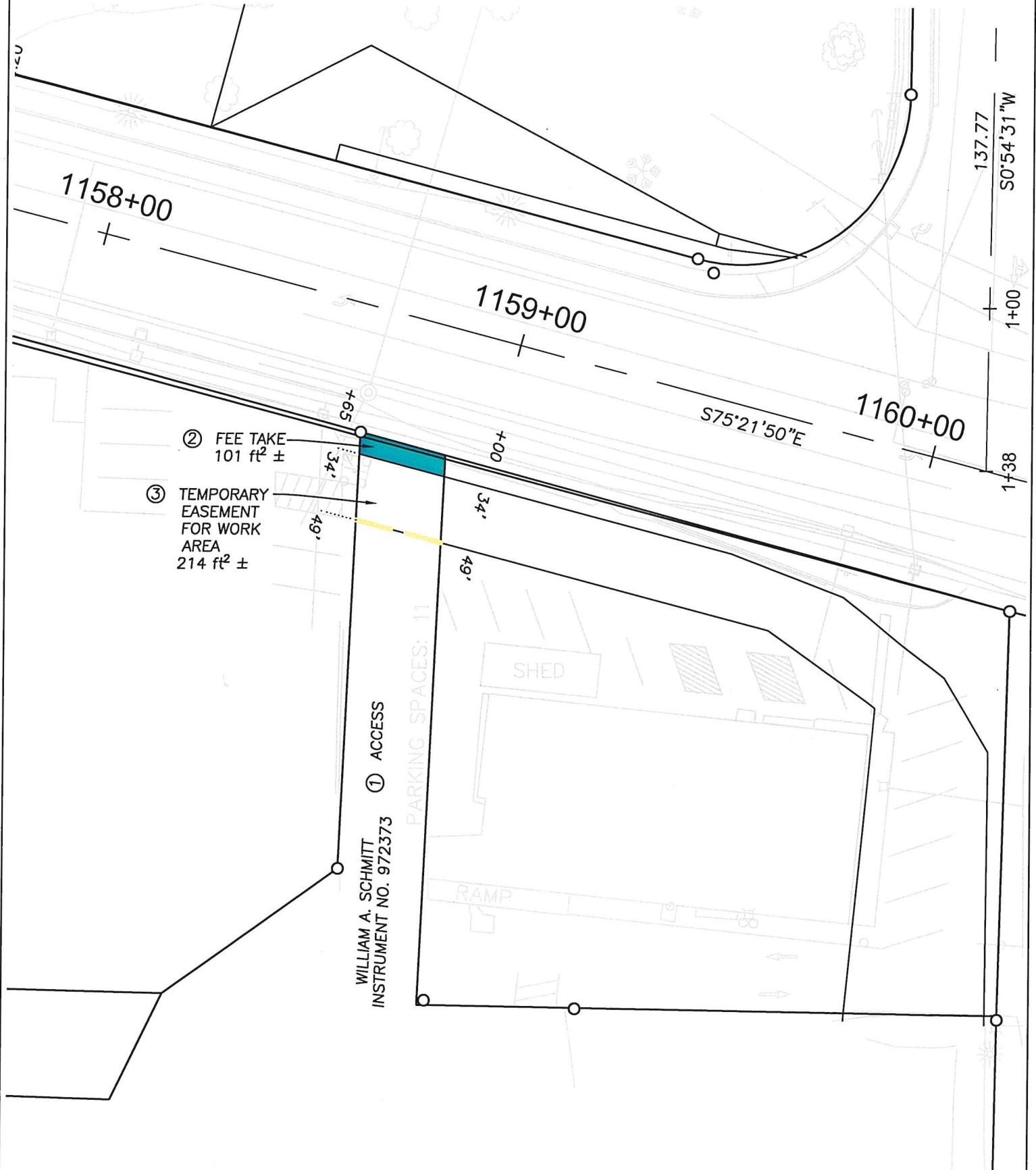


Jesse M. White
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RENEWS: 6/30/2022

SW SECTION 26, T. 3 N., R. 10 E., W.M.



PARCEL 1 - Fee

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+47 and 1159+57 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1158+47.00		1159+41.00	34.00 feet
1159+41.00		1159+57.00	34.00 feet in a straight line to 36.25 feet

This Parcel of land contains 404 square feet, more or less.

PARCEL 2 - Fee

A parcel of land situate in the SW1/4 of Section 26, Township 3 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline Wasco Avenue Engineers Station 0+00 and 0+84.20 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "WASCO AVE" 0+00, said station being the Northwest corner of Government Lot 6; thence South 89°42'59" East, 1,315.50 feet to Engineers Centerline station "OR30" 13+15.50, being the Northeast corner of Government Lot 6.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
"WA" 0+00		"WA" 0+25.00	0.00 feet in a straight line to 38.00 feet
"WA" 0+25.00		"WA" 0+54.00	38.00 feet in a straight line to 24.00 feet
"WA" 0+54.00		"WA" 0+84.00	24.00 feet in a straight line to 21.16 feet

This Parcel of land contains 1,144 square feet, more or less.

PARCEL 3 - Permanent Easement for Traffic Control Facilities

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1159+38.47 and 1159+59 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1159+38.00		1159+59.00	37.00 feet

Except therefrom that portion of land described in Parcel 1.

This Parcel of land contains 39 square feet, more or less.

PARCEL 4 - Permanent Easement for Slopes

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River

County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+17 and 1159+59 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1158+17.00		1158+48.00	30.00 feet in a straight line to 58.00 feet
1158+48.00		1159+38.00	58.00 feet in a straight line to 37.00 feet
1159+38.00		1159+59.00	37.00 feet

Except therefrom that portion of land described in Parcel 1.

This Parcel of land contains 1,682 square feet, more or less.

PARCEL 5 - Permanent Easement for Drainage Facilities

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+17 and 1159+80 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1158+17.00		1159+61.24 ("WA" 0+00.00)	102.00 feet in a straight line to 128.88 feet ("WA" 0.00 feet)
1159+61.24 ("WA" 0+00.00)		1159+80.00	128.88 feet ("WA" 0.00 feet) in a straight line to 53.56 feet

Except therefrom that portion of land described in Parcel 1.

This Parcel of land contains 12,534 square feet, more or less.

PARCEL 6 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

A parcel of land situate in the SW1/4 of Section 26, Township 03 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline The Old Columbia River Highway (US Highway 30) Engineers Station 1158+17 and 1159+73 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described as follow:

Beginning at Engineers Centerline "OR30" 1157+70, said station being 217.59 feet West and 76.38 feet South of the Northwest corner of Government Lot 6; thence South 75°21'50" East, 1,230.00 feet to Engineers Centerline station "OR30" 1170+00.

Basis of Bearings: Bearing are based on the Oregon Coordinate Reference System, Columbia River East Zone, NAD 83 (2011) epoch 2010.00.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
1158+17.00		1158+45.00	132.00 feet in a straight line to 139.00 feet
1158+45.00		1158+93.00	139.00 feet in a straight line to 155.00 feet
1158+93.00		1159+24.00	155.00 feet in a straight line to 163.00 feet
1159+24.00		1159+47.00	163.00 feet in a straight line to 168.00 feet
1159+47.00		1159+73.00	168.00 feet in a straight line to 163.00 feet

Except therefrom that portion of land described in Parcel 1.

Except therefrom that portion of land described in Parcel 2.

Except therefrom that portion of land described in Parcel 5.

This Parcel of land contains 5,520 square feet, more or less.

PARCEL 7 - Temporary Easement For Work Area (3 years or duration of project, whichever is sooner)

A parcel of land situate in the SW1/4 of Section 26, Township 3 North, Range 10 East, W.M., Hood River County, Oregon and being all that property described in that Warranty Deed to Wal-Mart Real Estate Business Trust, recorded April 20, 2000 in Hood River County Book of Records as Instrument No. 20001435, the said parcel of said property lying between lines at right angles to the centerline Wasco Avenue Engineers Station 0+24.35 and 0+84.20 and included in a strip of land variable in width, lying on the Northerly side of said centerline, which centerline is described in Parcel 2:

The width in feet of said strip of land is as follows:

Station	to	Station	Width on the Easterly Side of Centerline
"WA" 0+25.00		"WA" 0+84.00	38.00 feet in a straight line to 21.16 feet

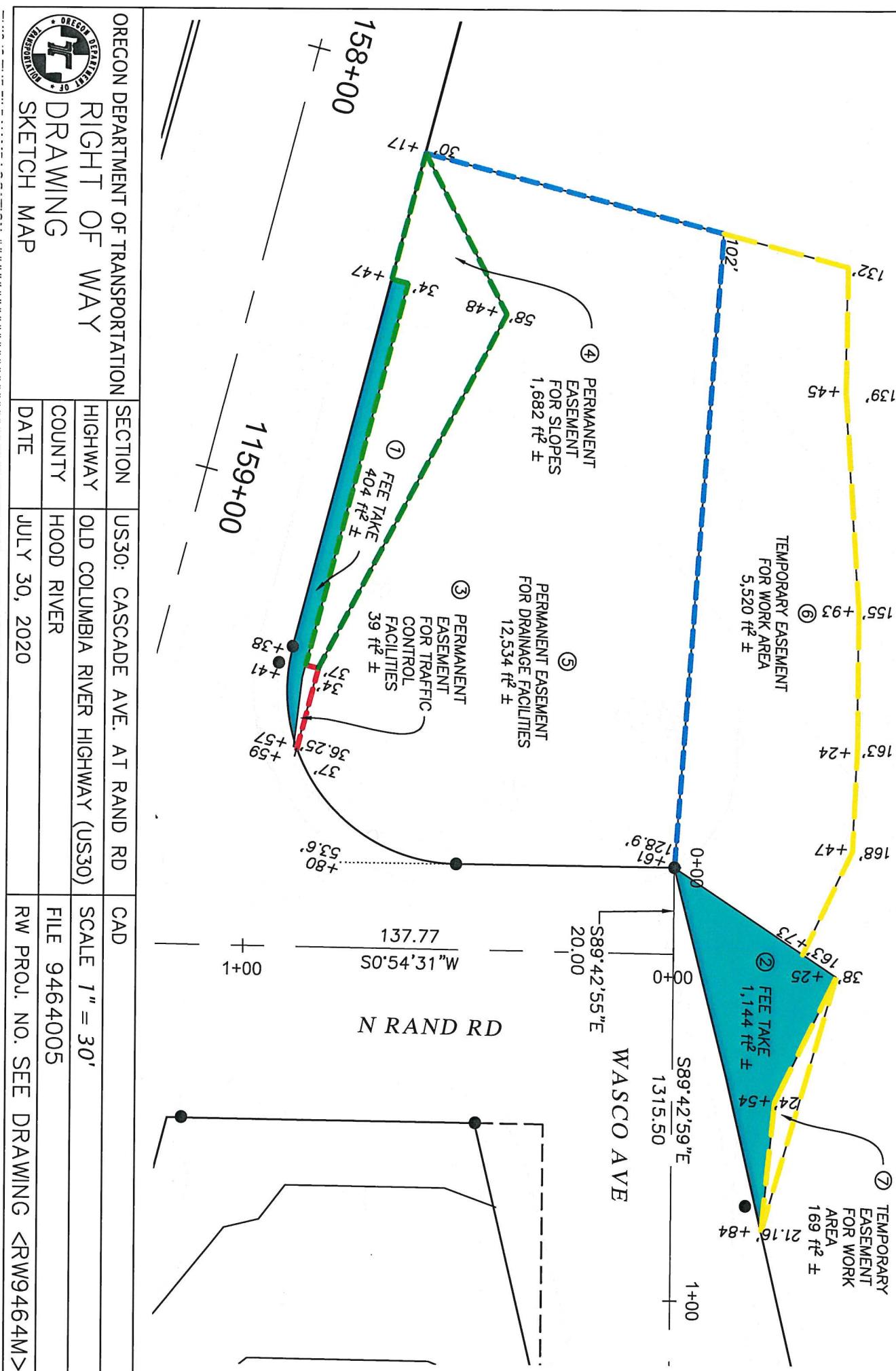
Except therefrom that portion of land lying in Parcel 2.

This Parcel of land contains 169 square feet, more or less.



SW 1/4 SECTION 26, T. 3 N., R. 10 E., W.M.

191



CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and Members of the City Council

From: Will Norris, Finance Dir. / Asst. City Manager

Subject: Waterfront Stormwater Line Financing – Resolution 2020-16

Background

A seasonal sinkhole has developed over a collapsed section of stormwater pipeline in the waterfront area that must be replaced. The failing corrugated metal pipeline was installed by the Army Corps of Engineers in the early 1960s. The City Council authorized Phase I Construction of the stormwater line replacement project at a [special meeting on August 31st](#). This initial phase is necessary to stabilize the Hood River Distillers property ahead of the wet season. The following phases of the construction will occur over the next two to three years and are still undergoing final design and permitting.

The City Council received a financial report on the project at their [April 13th meeting](#). The focus of that report was studying a Local Improvement District (LID). The meeting concluded without specific action on the LID because the Waterfront District Urban Renewal Funds were anticipated to be sufficient to pay the full funding gap.

Discussion

The purpose of tonight's City Council Item is to approve an initial financing resolution authorizing partially forgivable Department of Environmental Quality (DEQ) and United State Department of Agriculture (USDA) project loans. This staff report also updates the City Council on the financial status of stormwater line replacement project in general.

Significant financial events since the last City Council update include:

Loss of Lottery Revenue Bond (\$1,700,000)

Hood River's legislative delegation obtained language in HB 5030 (2019) that authorized the State Treasurer "to issue lottery bonds in an amount that produces \$1.7 million in net proceeds [...] for distribution to the City of Hood River for replacement of the Hood River Waterfront storm line." The Oregon State Treasury notified the City in July that lottery revenues had declined to a point that the underlying bonds could no longer be sold to investors (see Exhibit A). While it is possible there may be a future bond sale, the City can no longer rely on this \$1.7 million in project funding.

Increased Project Costs (\$1,378,697)

The estimated public portion of the project costs increased from \$4.0M to \$5.4M. The largest upward cost revision is due to the addition of downtown stormwater pretreatment facilities and construction of a maintenance road to access the facilities. This project component is required

by environmental regulatory agencies as a condition of approval. It is possible this cost may be reduced by approximately \$500,000 if Union Pacific grants the City an access easement.

Administrative Delays

Project financing is typically in place prior to beginning construction. However, administrative processes have been moving abnormally slow due to COVID19. This meant that construction on the emergency project had to move forward while still undergoing State Historic Preservation Office review and subsequent public comment periods that are a precondition to DEQ financing. Because of this, only construction activities occurring after the public comment period is concluded may be financed. To accommodate this situation, Phase 1 construction was separated into a Phase 1A and Phase 1B components to delineate activities that cannot be DEQ financed. The City will need to finance Phase 1A construction activities locally, estimated at \$856,971. The Waterfront Urban Renewal District or a City interfund loan are two available options.

The updated project costs and available funding sources are included in Exhibit B. The exhibit shows the Phase 1A and Phase 1B construction cost breakdowns as well.

Current Status and Funding Resolution 2020-16:

The waterline replacement project funding gap stands at \$4,230,160. City staff understands from prior City Council discussion that Urban Renewal Dollars should be used to close the project funding gap first. However, the project funding gap now exceeds the approximately \$2.7 million in available waterfront urban renewal dollars by \$1.7 million. This means that the City must eventually identify funding from other local sources. Local revenue sources that the City has direct control of are stormwater rates, creation of a LID, or direct General Fund appropriations. The City may also pursue an increase to the Waterfront Urban Renewal District's authorized maximum indebtedness, but this will require the consent of a critical number of overlapping taxing districts.

The attached financing resolution is secured by the Full Faith and Credit of the City in the absence of an identified repayment source. This resolution allows the City to begin a 60-day published public comment period. At the conclusion of the comment period, additional financing resolutions specific to the DEQ and USDA will come before City Council.

Timing Considerations

The attached Resolution 2020-16 is necessary to gain access to State and Federal financing capital. The City has internal capital necessary to keep the projects moving in the interim, but finalization of financing arrangements should move forward without unnecessary delay.

Staff Recommendation:

Adopt the attached financing Resolution 2020-16. Provide direction on a preferred decision making process to finalize local funding sources to close the waterline replacement funding gap of approximately \$4.4 million.

Fiscal Impact

The waterfront stormwater line replacement project is estimated at \$5.4 million in public system costs. The project is also anticipated to cost private property owners \$800,000 to rebuild their

systems to reconnect to the new stormwater line. The attached financing resolution authorizes up to \$5.5 million.

Suggested Motion:

"I move to adopt Resolution 2020-16, authorizing financing through the Department of Environmental Quality and United States Department of Agriculture"

Alternatives:

City staff can walk through various local funding options based on City Council discussions.

Attachments:

Resolution 2020-16

July Notice of Cancelled Bond Sale

Funding Scenarios Sheet Updated

RESOLUTION NO. 2020-16

A RESOLUTION OF THE CITY OF HOOD RIVER, AUTHORIZING THE ISSUANCE OF FULL FAITH AND CREDIT BONDS FOR A TOTAL OF NOT TO EXCEED \$5,526,215 AND PROVIDING FOR PUBLICATION OF NOTICE.

WHEREAS, the City Council of the City of Hood River, Oregon (the “City”) is authorized to issue bonds for a public purpose by ORS 287A.150 and related provisions of ORS 287A (the “Act”), which states that those bonds may be payable from all or any portion of the “revenue” of the City, as defined in ORS 287A.001(16).

WHEREAS, ORS 287A.001(16) defines “revenue” to mean all fees, tolls, excise taxes, assessments, property taxes and other taxes, rates, charges, rentals and other income or receipts derived by a public body or to which a public body is entitled.

WHEREAS, the City finds that it is financially feasible and in its best interests to finance stormwater improvements for the City (the “Project”).

WHEREAS, the cost of the Project, including bond issuance costs and debt service reserves, is currently estimated to be approximately \$4,526,215. The City expects to obtain financing for the cost of the Project from the Oregon Department of Environmental Quality (“DEQ”) Clean Water State Revolving Fund and the United States Department of Agriculture Rural Development (“USDA”) by issuing the bonds authorized hereunder to DEQ and USDA. The City may also enter into loans and/or obtain grants from the DEQ and USDA for portions of the cost of the Project.

The City resolves as follows:

Section 1. Bonds Authorized. The City is hereby authorized to issue bonds (the “bonds”) pursuant to the Act to finance the Project, including a contingency for potential cost overruns, and costs of issuance in an aggregate principal amount not to exceed \$5,526,215.

Prior to selling the bonds the City Council shall establish by resolution:

- (a) The method of bond sale;
- (b) All the financial terms and covenants related to the bonds, including the final principal amount, payment dates, and redemption provisions;
- (c) The amount of any reserves to be established for the bonds and the manner in which the reserves shall be funded;
- (d) The covenants which the City will make with bondholders, including those regarding operation of the Project;
- (e) Additional security for the bonds; and

(f) Any other terms, conditions or covenants regarding the bonds, the Project or the City's revenues which are necessary or desirable to effect the sale of the bonds.

Section 2. Notice; Procedure.

(a) No bonds may be sold, and no purchase agreement for the bonds may be executed, until at least sixty (60) days after publication of the Notice of Bond Authorization, which is attached to this resolution as Exhibit "A" (the "Notice"). The Notice shall specify the last date on which petitions may be submitted, and shall be published in at least one newspaper of general circulation in the City in the same manner as are other public notices of the City.

(b) If petitions for an election, containing valid signatures of not less than five percent (5%) of the City's electors, are received within the time indicated in the Notice, the question of issuing the bonds shall be placed on the ballot at the next legally available election date. If such petitions are received, no bonds may be sold until this resolution and the question of issuing the bonds is approved by a majority of the electors of the City who vote on that question.

(c) The bonds shall be issued and sold in accordance with the Act.

Section 3. Security.

Pursuant to ORS 287A.315, the bonds shall be payable from all lawfully available funds of the City, and shall be secured by the City's full faith and credit and taxing power within the limitations of Article XI, Sections 11 and 11b, of the Oregon Constitution. The City Council may also pledge additional revenues to secure the bonds pursuant to the Act and the resolution to be adopted pursuant to section 1 of this resolution before the sale of the bonds.

Section 4. Reimbursement.

The City hereby declares its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations to reimburse itself for expenditures it makes for the Project with the proceeds of a future financing.

Section 5. Effective Date.

This resolution shall take effect upon its adoption.

ADOPTED by the City Council of the City of Hood River, Oregon, this 13th day of October, 2020.

Mayor

Attest:

Approved as to form:

City Recorder

City Attorney

EXHIBIT A
Notice of Bond Authorization

NOTICE IS HEREBY GIVEN that the City Council of the City of Hood River, Oregon (the “City”), adopted Resolution No. 2020-16 on October 12, 2020, authorizing the issuance of bonds to finance stormwater improvements for the City, and bond issuance costs.

The bonds will be issued in a principal amount of not more than \$5,526,215. The bonds will be secured by all lawfully available funds of the City and a pledge of the City’s full faith and credit and taxing power, as permitted by ORS 287A.315. Neither the authorization nor issuance of the bonds described in this notice will authorize the City to levy any additional taxes.

The City Council may establish by subsequent resolution all terms, conditions and covenants regarding the bonds and the security which are necessary or desirable to effect the sale of the bonds.

If written petitions, signed by not less than five percent (5%) of the City's electors, are filed at the City offices on or before _____, 2020 (the 61st day after the date of publication of the notice), the questions of issuing the bonds shall be placed on the ballot at the next legally available election date.

The City offices are located at 211 2nd Street, Hood River, Oregon 97031 and a copy of the resolution authorizing the bonds is available from the City Recorder at that location.

The bonds will be issued and sold pursuant to Oregon Revised Statutes Section 287A.150 and related statutes; this notice is published pursuant to ORS 287A.150(4).

BY ORDER OF THE CITY OF HOOD RIVER,
OREGON.



Oregon

Kate Brown, Governor

Department of Administrative Services

Chief Financial Office
155 Cottage Street NE U10
Salem, OR 97301
PHONE: 503-378-3106
FAX: 503-373-7643

July 10, 2020

To: Recipients of Grants Authorized by HB 5030 in 2019 Legislative Session

Re: Status of Grant Funding from State of Oregon

The effects of the coronavirus pandemic have reached every corner of Oregon and created considerable financial uncertainties and challenges. Lottery revenues have been particularly impacted by the closure of bars and restaurants and the temporary inactivation of video lottery terminals. Based on the Office of Economic Analysis (OEA) June 2020 Economic and Revenue Forecast, lottery revenues for the 2019-21 biennium are projected to be 23.7% less than what was forecasted when Lottery Bonds were authorized in the 2019 legislative session.

Due to this projected decrease in revenues, the State Debt Policy Advisory Commission (SDPAC) analyzed the impact of the updated forecast on the state's capacity to issue debt in the current and future biennia. Unfortunately, lottery revenues are forecast to be insufficient for the State to issue additional Lottery Bonds in the 2019-21 biennium. As a revenue bond, secured by lottery revenues, the State's Lottery Bond indenture requires a four-times revenue to debt service coverage ratio. SDPAC projects that the lottery debt service coverage ratio on previously issued and outstanding lottery bonds will only be 3.1 times in fiscal year 2021. Therefore, Lottery Revenue Bonds will not be issued in the spring of 2021, as was originally planned. This means funding will not be available for grants that were approved by the Legislature in House Bill 5030 (2019).

We recognize that the lack of anticipated grant funding represents a considerable setback for projects and will notify recipients if the official projection of lottery revenues in the OEA September or December 2020 forecast improves to a level that would support the issuance of additional Lottery Bonds this biennium. However, based on the most current information we have, the 2019-21 lottery bond sale will not be completed. Therefore, we will not move forward with the execution of any Declaration of Official Intent to Reimburse Capital Costs with Oregon Lottery Revenue Bonds or grant agreements.

During the 2021 legislative session, the projects that did not get funded in the 2019-21 biennium will be re-evaluated by the Legislature for inclusion in a future Lottery Bond sale in the 2021-23 biennium. Grant requests will need to be updated with current project information and resubmitted to the Legislative Fiscal Office during the 2021 session.

If you have any questions, please contact me at (503) 378-3107 or by e-mail at jean.l.gabriel@oregon.gov.

Sincerely,

Jean Gabriel
Department of Administrative Services, Capital Finance Manager

Project Cost			
	959,235	-	
Design, Admin, Legal & Permitting	856,970	-	
Phase 1a - Construction	385,660	-	
Phase 1b - Construction	1,502,160	-	
Phase 2 - Construction	1,016,220	-	
Phase 3 - Construction	662,940	-	
Phase 4 - Construction			
Estimated Private Property Costs		803,461	
	\$ 5,383,185	\$ 803,461	Available to Allocate
	Public	Private	
DEQ CWSRF	\$ 1,344,895	\$ 1,344,895	Not Eligible
USDA RUS Loan/Grant	3,181,320	3,181,320	Not Eligible
OR Lottery Revenue	-	No Longer Available	-
Local Improvement Dist.	5,383,185	-	Not Eligible
Urban Renewal	2,700,000	-	-
Land Owners	803,461	Not Eligible	-
Stormwater Utility	5,383,185	-	Not Eligible
Funding Gap	\$ (4,405,987)	\$ (803,461)	
Funded Status	18%	0%	

CITY COUNCIL AGENDA ITEM COVER SHEET

Meeting Date: October 13, 2020

To: Honorable Mayor and City Council

From: Rachael Fuller, City Manager

Subject: Bi-State Working Group Memorandum of Understanding

Background: The attached MOU is formalizing the relationship between the six local governments in the Mid-Columbia Gorge Region, to replace the Hood River- White Salmon Bridge. The MOU is going before all the agencies for approval.

Staff Recommendation:

Suggested Motion: I move to approve the MOU as presented.

Alternatives:

Fiscal Impact:

Environmental Impact:

Attachments:

1. Letter from Kevin Green, Project Director
2. MOU
3. Bi-State Roaster



Hood River - White Salmon

BRIDGE REPLACEMENT PROJECT

October 5, 2020

Rachael Fuller, City Manager
HOOD RIVER, CITY OF
211 Second St.
Hood River, OR 97031

RE: BI-STATE WORKING GROUP (BSWG) MEMO OF UNDERSTANDING (MOU) APPROVAL

Rachael,

The BSWG met October 2nd to review the third draft of the MOU formalizing the relationship between the six local governments in the Mid-Columbia Gorge Region to replace the Hood River-White Salmon Bridge. At this time, all six members have agreed to bring the document to their respective boards for approval.

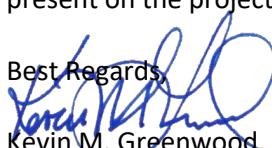
Realizing that each agency formats resolutions differently, the BSWG recommended including references to the following sections:

- That the Agency supports the continued efforts of Klickitat County, Hood River County, the Cities of White Salmon, Bingen and Hood River, and the Port of Hood River to develop a replacement to the existing Hood River-White Salmon Bridge;
- Endorses the roles, responsibilities, and work plan to develop the replacement bridge outlined in the attached MOU;
- Appoint a member and an alternate to serve as a member on the BSWG; and
- Authorize a signatory to execute the MOU.

A final copy of the MOU is attached along with this letter that can be included as an exhibit to the resolution. Our hope is to have the resolutions adopted by all six agencies by the end of November.

If you have any questions, please don't hesitate to contact me at (541) 961-9517 or at kgreenwood@portofhoodriver.com. I am also available to attend a meeting or otherwise present on the project's progress.

Best Regards,


Kevin M. Greenwood, Project Director
PORT OF HOOD RIVER

Enclosure: Memo of Understanding
cc: Kate McBride, Mayor

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE OREGON AND WASHINGTON PARTNERS REGARDING
THE DEVELOPMENT OF THE HOOD-RIVER WHITE SALMON INTERSTATE REPLACEMENT BRIDGE**

This MEMORANDUM OF UNDERSTANDING (“MOU”) is hereby made and entered into, by and between, the City of Bingen, City of White Salmon, and Klickitat County (the “Washington Partners”), and the City of Hood River, Hood River County, and Port of Hood River (the “Oregon Partners”). While nonbinding, this MOU establishes the methods by which the partnering agencies will, as the Bi-State Working Group (BSWG), cooperatively oversee, manage, and conduct project development for the Hood-River White Salmon Interstate Replacement Bridge (the “Replacement Bridge”).

RECITALS

1. The existing Hood River-White Salmon Interstate Bridge is obsolete and will not meet the long-term needs of the travel market it serves. Steps must be taken now to fund, design, and procure a Replacement Bridge to avoid an expensive rehabilitation of the existing bridge beginning in FY 2026.
2. In February 2008 the Partners adopted a memorandum of understanding to work cooperatively to seek funding for Final Environmental Impact Statement for the Replacement Bridge. In November 2011 the Partners adopted a memorandum of understanding selecting the preferred type, size, and location of the replacement bridge and agreeing to continue to work cooperatively for the Replacement Bridge.
3. The Port of Hood River, funded by an ODOT grant, is preparing a Supplementary (SDEIS) and Final (FEIS) Environmental Impact Statement of the Replacement Bridge to satisfy NEPA requirements. The Port established the Bi-State Working Group (BSWG), consisting of the Oregon and Washington Partners, to facilitate information exchange and coordination regarding the NEPA activities.
4. The BSWG identified two major requirements for advancing the Replacement Bridge project:
 - a. Governance: A bi-state governance structure, which includes representatives of the Oregon and Washington Partners, must be established to oversee the Replacement Bridge Project. The bi-state structure will be implemented in two phases. A legislatively-enacted bi-state bridge authority will best serve the long-term governance requirements of the Replacement Bridge. Between now and the start of the bi-state bridge authority, BSWG will guide the development of the Replacement Bridge.
 - b. Grant Funding: While toll revenue bonds are anticipated to pay for most of the cost to construct the Replacement Bridge, federal and/or state grant funding is required to complete project design and development and pay a portion of bridge construction. Acquiring these grant funds requires a coordinated effort by BSWG.
5. This MOU sets forth the role, responsibilities, and work plan of the, BSWG, agreed to by the Oregon and Washington Partners, to design, develop, implement a governance structure, and seek funding for the Replacement Bridge.

UNDERSTANDING

1. Composition of BSWG

- 1.1. Klickitat and Hood River Counties, the Cities of Bingen, Hood River, and White Salmon, and the Port of Hood River (POHR) will each appoint one member of its governing body to the BSWG, and one member of its governing body as an alternate.
- 1.2. Each of these appointments will be made in the manner and for the term determined by the appointing body.
- 1.3. Each jurisdiction will promptly designate a new member, or alternate, to fill any vacancy that arises.

2. Purpose and Authority of BSWG

- 2.1. BSWG will be responsible for:
 - Guiding project development activities and resolving issues by consensus
 - Overseeing Phase 2 and, until the Bi-State Authority is operational, Phase 3 work.
 - Providing for interagency coordination on all project issues
 - Facilitating the implementation of the Bi-State Authority
 - Seeking the funding necessary to design, develop, and construct the Replacement Bridge.
- 2.2. The governing bodies of the jurisdictions will be responsible for approving or rejecting the budgets, work plans, or other actions required of their organization by the consensus direction set by BSWG.

3. Public Engagement

- 3.1. BSWG is responsible for undertaking an open and equitable public engagement process for the Replacement Bridge.
- 3.2. BSWG will issue periodic newsletters and maintain a website to keep the public updated on project activities.
- 3.3. Meetings of BSWG will follow the applicable public meeting and records laws of Oregon and Washington.
- 3.4. BSWG will ensure there are meaningful opportunities for public input at key decision points during project development.

4. Project Development Work Plan

- 4.1. BSWG will cooperatively take the actions needed to develop a Replacement Bridge that is construction-ready no later than FY2026.
- 4.2. Subject to funding availability, the Phase 2 work (between January 2021 and June 2023) is anticipated to include the following:

- a. Completing up to 15% engineering design (including geotechnical analyses)
- b. Level 2 traffic and toll revenue study
- c. Preliminary financial analyses
- d. Preparing and securing Bi-State Authority legislation
- e. Preliminary assessment of Public-Private Partnerships (P3) opportunities (If P3 is selected as the preferred project delivery method, some work activities in Phase 2 and 3 will change)
- f. Securing grant funding for Phase 3 of project design and development

4.3. Subject to funding availability, the Phase 3 work (between July 2023 and June 2025) is anticipated to include the following:

- a. Completing at least 60% engineering design
- b. Investment grade traffic and toll revenue study
- c. Preparation of Plan of Finance for lenders, granting authorities, and rating agencies
- d. Further P3 consideration or procurement, as may be appropriate
- e. Implementation of the Bi-State Authority
- f. Securing grants and credit ratings and making loan applications for design and construction.

4.4. The work activities included in Phase 2 and 3 will be adjusted as may be necessary to be affordable with available funding.

5. Management of Project Development

5.1. All project development work will be undertaken by a Lead Agency agreed to by BSWG. POHR will be the lead agency for Phase 2 work. The Lead Agency for Phase 3 depends on future circumstances. If the Bi-State Authority is operational before the start of Phase 3, it will be the Lead Agency. Otherwise BSWG will agree on a Phase 3 Lead Agency.

5.2. The Lead Agency will, within the available budget:

- a. Retain a Project Director to oversee required day-to-day technical and administrative work
- b. Procure and manage the consulting teams required by the work plan
- c. Staff BSWG meetings
- d. Ensure that BSWG is provided technical reports and presentations required by BSWG.
- e. Coordinate the legislative program described in Section 9
- f. In the name of BSWG, undertake the necessary public engagement and stakeholder coordination, as directed by BSWG

5.3. The member jurisdictions shall coordinate with the Project Director with respect to any work activities regarding the Replacement Bridge they undertake.

6. Funding of Work Activities

6.1. BSWG is responsible for securing the grant funding required to complete project development and to construct the Replacement Bridge.

6.2. BSWG will seek funding contributions from Oregon and Washington agencies/jurisdictions with the intent of securing equitable contributions from Oregon and Washington agencies/jurisdictions during project design, development, and construction.

- 6.3. Bi-state funding will be pooled so that project development work can be prioritized, procured, and managed by the Lead Agency to implement the work plan agreed to by BSWG.
- 6.4. Funding will be provided to the Lead Agency through interlocal/governmental agreements; granting agency will oversee the work to ensure it complies with the terms and conditions of the granting agency.

7. Long-Term Governance

- 7.1. BSWG will seek to establish an independent Bi-State Authority for the long-term governance of the development, financing, construction, and operations of the Replacement Bridge.
- 7.2. BSWG will prepare and propose bi-state legislation establishing the Bi-State Authority during the 2022 or 2023 legislative sessions; BSWG intends to have the Bi-State Authority operational no later than FY2024.
- 7.3. Prior to proposing legislation establishing the Bi-State Authority to the Oregon and Washington legislatures, BSWG will seek supporting resolutions from the governing bodies represented on BSWG.
- 7.4. If the Bi-State Authority is not approved by the Oregon and Washington legislatures, BSWG will continue in its role as described in this MOU.

8. Public-Private Partnership (P3)

- 8.1. BSWG will continue to examine the P3 option, including soliciting industry opinion regarding the potential P3 market for the Replacement Bridge during Phase 2 of project development. If P3 is determined to be the preferred project delivery method, the work plan for Phases 2 and 3 would be adjusted accordingly.
- 8.2. P3 authority will be proposed for the Bi-State Authority similar to that of POHR.
- 8.3. If (a) the Bi-State Authority is not approved or sufficient grant funding is not secured for Phase 3 work and (b) BSWG concludes that a P3 project may be practical, BSWG will consider recommending to POHR that, in cooperation with BSWG, it undertake the project as a P3 under its existing authority.

9. Legislative Strategy

- 9.1. The members of BSWG will be mutually responsible for seeking bi-state legislative approvals of the governance and funding proposals prepared by BSWG.
- 9.2. The Project Director will be responsible for coordinating the efforts of BSWG with regard to seeking legislation.
- 9.3. During Phase 2, POHR will provide a lead government affairs consultant for the Oregon and Washington legislative sessions. The BSWG members will facilitate the assistance of government affairs staff/consultant retained by their jurisdiction to assist the lead government affairs consultants.

9.4. BSWG intends to undertake the following legislative efforts (in each state):

- a. 2021 Session: Seek legislation requiring BSWG to study and prepare legislation establishing a Bi-State Authority to govern the design, development, and operations of the Replacement Bridge and to report its findings to applicable legislative committees in each state prior to the 2022 legislative sessions. Seek a \$5 million grant from each of Oregon and Washington to fund Phase 2 project development and engineering activities
- b. 2022 Session: Seek approval of legislation creating the Bi-State Authority.
- c. 2023 Session: If not enacted in the 2022 Session, seek approval of legislation creating the Bi-State Authority. Seek grant contributions from each of Oregon and Washington to fund Phase 3 project development and engineering activities and, if appropriate, construction of the Replacement Bridge.
- d. 2025 Session: If not approved earlier, seek contributions from Oregon and Washington to fund the construction of the Replacement Bridge.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the last date below.

Mayor Betty Barnes, City of Bingen

Date: _____

Mayor Kate McBride, City of Hood River

Date: _____

Mayor Marla Keethler, City of White Salmon

Date: _____

Chairman Mike Oates, Hood River County

Date: _____

Chairman Jim Sizemore, Klickitat County

Date: _____

President John Everitt, Port of Hood River

Date: _____

BI-STATE BRIDGE REPLACEMENT WORKING GROUP (BSWG)

Internal Use Contact Roster

Current as of October 5, 2020

Group Staff Support: Kevin Greenwood, Port of Hood River Bridge Replacement Project Director

	Bingen City	Hood River City	Hood River County	Hood River Port	Klickitat County	White Salmon City
Group Member						
Title	Betty Barnes	Kate McBride	Rich McBride	John Everitt	David Sauter	Marla Keethler
Primary Phone	Mayor	Mayor	Commissioner	Commission President	Commissioner	Mayor
Primary Email	503-312-6697: cell	541-490-4813	541-490-6567	541-308-6242	509-250-1248: cell	509-774-7491
Secondary Phone	mayor@bingenwashington.org	K.McBride@cityofhoodriver.gov	rmcbride@co.hood-river.or.us	jeveritt@portofhoodriver.com	daves@klickitatcounty.org	MarlaK@ci.white-salmon.wa.us
Copy on correspondence?	509-493-2122: city hall		541-386-3970: office		509-773-4612: office	509-493-1133 x 5: city hall
Alternate Member						
Title	Catherine Kiewit	Jessica Metta	Bob Benton	Kristi Chapman	Jim Sizemore	Jason Hartmann
Primary Phone	Mayor Pro Tem	City Councilor	Commissioner	Commissioner	Commissioner	Mayor Pro Temp
Primary Email	509-493-2122: city hall	541-399-1033	541-490-8275	541-399-6892	509-773-4612: office	541-490-0009
Secondary Phone	ckievit@bingenwashington.org	J.metta@cityofhoodriver.gov	bob.benton@co.hood-river.or.us	kchapman@portofhoodriver.com	jims@klickitatcounty.org	jasonh@ci.white-salmon.wa.us
Copy on correspondence?	Yes	Yes	Yes	Yes	No	Yes
				Zoom-ready		
Administrative Support						
Title	Cheyenne Pantoja Wright	Rachael Fuller	Jeff Hecksel	Kevin Greenwood	Lee Snell	Pat Munyan
Physical Address	Clerk-Treasurer	City Manager	County Administrator	Project Director	Board Clerk	City Administrator
Mailing Address	112 N. Ash St.	211 Second St.	601 State St.	1000 E. Port Marina Dr.	205 S. Columbus Ave.	100 N. Main St.
City, ST Zip	P.O. Box 607 Bingen, WA 98605	Hood River, OR 97031	Hood River, OR 97031	Hood River, OR 97031	Goldendale, WA 98620	P.O. Box 2139 White Salmon, WA 98672
Primary Phone	509-493-2122: city hall	541-387-5252: office	541-386-3970: office	541-961-9517: cell	509-773-4621: office	509-774-8779
Primary Email	clerk@bingenwashington.org	R.Fuller@cityofhoodriver.gov	jeff.hecksel@co.hood-river.or.us	kgreenwood@portofhoodriver.com	LeeS@klickitatcounty.org	patm@ci.white-salmon.wa.us
Secondary Phone		541-386-1488				509-493-1133: city hall
Copy on correspondence?	Yes	Yes	Yes	Yes	Yes	Yes

CITY COUNCIL WORKSHOP COVER SHEET

Meeting Date: October 13th, 2020

To: City Council

From: Dustin Nilsen, Director of Planning

Subject: First Reading of Ordinance 2056

Background:

At its September 28th, 2020 meeting Council held a public hearing to consider the Planning Commission recommendation to approve parking code amendments for interim regulations that would be effective until longer term parking supply alternatives and issues were addressed by the Urban Renewal Agency.

At the conclusion of the hearing, Council directed staff to amend draft ordinance 2056 and place the ordinance on for first reading at its next meeting.

Staff Recommendation:

Staff recommends the first reading of Ordinance 2056 relating to Historic Buildings, Fee in Lieu, and parking rates.

Suggested Motion:

I move to approve the first/second reading of Ordinance 2056 by title only.

Alternatives:

I move to approve the first reading of Ordinance 2056 by title only.

Fiscal Impact:

Staff estimates the total downtown residential potential in existing Historic Buildings between 50-100 units. If fully utilized by downtown property owners, this will generate up to \$150,000 to \$300,000. This revenue will accrue over a several decades and be adjusted for inflation consistent with City of Hood River financial policies.

Environmental Impact:

There is no adverse environmental impact to adaptive reuse of existing structures, reducing parking requirements, or improved code clarity.

Attachments:

Draft Ordinance 2056

IN THE CITY COUNCIL
FOR THE CITY OF HOOD RIVER, OREGON

ORDINANCE NO. 2056

An Ordinance amending Hood River Municipal Code Title 17, Chapter 03; LAND USE ZONES and Chapter 24; IN-LIEU PARKING FEE

The Hood River City Council finds as follows:

WHEREAS, the Hood River Zoning Code is organized to implement provisions of the Comprehensive Plan and which periodically require amendments to address changes in statewide legislation, policy updates, and other clarifications for readability and clear administration; and

WHEREAS, in 2019 the City of Hood River adopted a Downtown Parking Study to address parking challenges associated with growth, development, and tourism; and

WHEREAS, the Downtown Parking Study helped the City understand current parking conditions, examine specific issue areas, and hear the stakeholder input necessary to develop new parking policies and management strategies that support the community goals of maintaining the vibrancy of downtown, protecting historic buildings; and increasing housing opportunities; and

WHEREAS, the Parking Study outlined a series of strategies and Guiding Principles to implement the Downtown Parking Strategy including the amendment of the City's parking requirements for new commercial and residential development to be reflective of local demand, supportive of new growth, and supportive of a new fee-in-lieu policy/code; and

WHEREAS, as part of the strategy Council requested interim actions be considered prior to final decisions regarding the development of new parking capacity, including an amendment that made historic buildings within the Downtown Historic District (those specifically within the Zoning Code) eligible for parking waivers for the conversation of upper stories to long term residential dwelling units ; and

WHEREAS, a draft of these interim actions presented to the Council for review, and then Planning Commission for public hearing; became the basis for code amendments in accordance with HRMC 17.08.010 (Legislative Zone Changes and Plan Amendments); and

WHEREAS, the Department of Land Conservation and Development (DLCD) was notified of the proposed amendments on February 07th, 2018 and again on May 18th, 2020 prior to public hearings before the Planning Commission. The Planning Commission hearing culminated on June 15th, 2020 with a recommendation to approve the proposed changes to Title 17 to the City Council; and

WHEREAS, at its September 28th, 2020 meeting City Council initiated public hearing at which time the Council heard the Planning Commission recommendation, accepted written and oral testimony; deliberated and (*to be confirmed at hearing -tentatively voted to approve*) amendments to HRMC Title 17, Chapter 3: Land Use Zones, as set forth in Exhibit A and HRMC Title 17, Chapter 24: In Lieu Park Fee as set forth in Exhibit B.

NOW, THEREFORE, based on the foregoing findings, which are incorporated herein by this reference, the Hood River City Council Ordains as follows:

Section 1 – Amendment. The Hood River Municipal Code Title 17 (Zoning) Chapter 3 Land Use Zones shall be amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2 – Amendment. The Hood River Municipal Code Title 17 (Zoning) Chapter 24 In Lieu Parking Fee shall be amended as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

Section 3 – Savings Clause. In the event that a court of competent jurisdiction determines that any provision, clause, section, subsection or part thereof is unconstitutional or unlawful in any respect, that determination shall not affect the validity of all remaining provisions, clauses, sections, subsections or parts thereof, which shall remain in full force and effect.

Read for the First Time this (Date to be determined).

Read for the Second Time and approved this ____ day of (date to be determined) 2020.

This Ordinance shall take effect on the 31st day following the second reading.

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

Kate McBride, Mayor

ATTEST:

Approved as to form:

Jennifer Gray, City Recorder

Daniel Kearns, City Attorney

Exhibit A

Strikes and Underlines of existing HRMC 17.03:

17.03.040 Office/Residential Zone (C-1)

G. Parking Regulations.

1. Professional Offices: Commercial Development

- a. Except within the Central Business District, One (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.
- b. In no case shall there be less than two (2) off-street parking spaces.
- c. The Central Business District, the Heights Business District and the Waterfront are exempt from this the minimum two (2) off street space parking requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24 for the balance of parking required but not provided.
- d. Within the Central Business District, one and one half (1.5) off-street parking spaces shall be provided on the building site or adjacent to the site for each 1,000 square feet of gross floor area.
- e. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section.
- f. If no required off street or off site parking reasonably satisfies the parking is, the fee in lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.

2. Residential Development:

- a. Except within the Central Business District, all individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.
- b. Except within the Central Business District, multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.
- c. Unless specifically exempted under the historic building parking waiver provisions for upper story residential conversations, individual dwelling units within the Central Business District shall be required to provide one and one quarter (1.25) off-street parking on or adjacent to the building site.
- d. Required setback areas may be utilized for off-street parking for multi-family dwellings.

d. e. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

f. Upper Story Residential Parking Exemption: Existing Buildings within the Downtown Historic District included on the local historic building inventory and listed within HRMC 17.14 CHART B – Cultural Resources Inventory Local Downtown District: 1994 (updated 2004), as amended are not required to provide additional parking for the conversion of upper stories to non-transient residential dwelling units. Street-level conversion of a historic building for residential use is not eligible for this exemption. The exemption is not applicable to transient lodging or hotel use

Neither historic conversion exemption nor fee in lieu of off-street parking may be utilized to satisfy parking requirements for hosted homeshares, vacation home rentals, transient or short-term rentals. Hosted homeshares, vacation home rentals, transient and short-term rental shall be required to satisfy parking requirements in compliance with the Hood River Municipal Code.

17.03.050 General Commercial Zone (C-2)

H. Parking Regulations.

1. Commercial Development One (1) off street parking space shall be provided on the building site, or adjacent to the site for each employee. In addition, adequate off street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.

a. Except within the Central Business District One, (1) off-street parking space shall be provided on the building site or adjacent to the site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele.

2. b. In no case shall there be less than two (2) off-street parking spaces.

3. c. The Central Business District, the Heights Business District and the Waterfront are exempt from this the minimum two (2) off street space parking requirement but shall pay a fee in-lieu of parking in accordance with Chapter 17.24 for the balance of parking required but not provided.

d. Within the Central Business District One and one half (1.5) off-street parking spaces shall be provided on the building site or adjacent to the site for each 1,000 square feet of gross floor area.

4. e. Parking in the Central Business District, Heights Business District and Waterfront may be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section.

f. If no required off street or off-site parking reasonably satisfies the parking is, the fee in lieu of parking shall be paid in accordance with Chapter 17.24. If less than all required parking is provided, the fee in lieu of parking shall be paid in accordance with Chapter 17.24, except that a credit shall be given for the number of spaces provided.

5. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:

a. New construction

- b. Change of use
- c. New parking area

2. Residential Development:

~~6. All residential development shall comply with the off street parking standards as follows, unless exempt above:~~

a. Except within the Central Business District, All individual dwelling units, duplexes, and triplexes shall be provided with two (2) parking spaces for each unit on the building site, one (1) of which may be within the required front yard setback area.

b. Except within the Central Business District Multi-family dwellings shall be required to furnish one and one-half (1½) off-street parking spaces per dwelling unit on or adjacent to the building site.

c. Unless specifically exempted under the Historic parking waiver provisions for upper story residential conversions, individual dwelling units within the Central Business shall be required to provide one and one quarter (1.25) off-street parking on or adjacent to the building site.

e. d. Required setback areas may be utilized for off-street parking for multi-family dwellings.

d. e. Parking spaces utilizing access from a public dedicated alley may be located within the setback areas.

f. Upper Story Residential Parking Exemption: Existing Buildings within the Downtown Historic District included on the local historic building inventory and listed within HRMC 17.14 CHART B – Cultural Resources Inventory Local Downtown District: 1994 (updated 2004), as amended are not required to provide additional parking for the conversion of upper stories to non-transient residential dwelling units. Street-level conversion of a historic building for residential use is not eligible for this exemption. The exemption is not applicable to transient lodging or hotel use

Neither historic conversion exemption nor fee in lieu of off-street parking may be utilized to satisfy parking requirements for hosted homeshares, vacation home rentals, transient or short-term rentals. Hosted homeshares, vacation home rentals, transient and short-term rental shall be required to satisfy parking requirements in compliance with the Hood River Municipal Code.

3. All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:

- a. New construction
- b. Change of use
- c. New parking area

Exhibit B
Strikes and Underlines of existing HRMC 17.24:

CHAPTER 17.24 - IN-LIEU PARKING FEE

Legislative History: Ord. 1925 (2006)

SECTIONS

17.24.010 In-Lieu Parking Fee

17.24.020 Payment of Fee

17.24.010 In-Lieu Parking Fee. This chapter establishes the In-Lieu Parking Fee. The In-Lieu Parking Fee is paid to the City in lieu of providing required off-street parking when permitted in this title.

A. Amount of Fee. The amount of the In-Lieu Parking Fee is set by resolution of the City Council and the Council shall review the amount on at least an annual basis. The In Lieu-Fee may otherwise be adjusted by the Council as it deems necessary based on factors such as inflation, the cost of providing new parking spaces, and the market value of parking spaces. The amount of the In-Lieu Fee shall take into account the current costs of land acquisition, financing and construction.

B. Use of Fees. In-Lieu Parking Fees shall be deposited in a dedicated fund for the development and provision of public parking facilities. The collected Fees may be applied only to development and provision of public parking that serves the Central Business District, Heights Business District or Waterfront, or the development of City owned parking lots located in non-residential zones. Development and provision of parking to which the Fees are applied must be consistent with the City's adopted Parking Management Plan. Development and provision of parking includes, but is not limited to, paving, striping, sidewalks, acquisition of real property, payment of administrative costs, and construction.

17.24.020 Payment of Fee

A. Parking Requirement for Calculation of Fee. The In-Lieu Fee shall be based on the number of parking spaces required under Section 17.03, but not provided off-street or off-site 1.2 parking stalls or spaces per 1,000 square feet of development multiplied by the amount set by Council resolution in section 17.2324.010.

B. Condition of Approval. Payment of the In-Lieu Fee will be included as a condition of approval of any approved development application that is subject to the fee.

C. Limitation. Payment of the In-Lieu Fee cannot be used to satisfy parking requirements for the issuance of short-term rental operating licenses.

D. C. Payment of Fee. The In-Lieu Fee shall be paid in full prior to the issuance of a building permit.

City of Hood River, Oregon
Resolution No. 2020-19

Declare the second Monday in October as indigenous Peoples' Day in the City of Hood River and encourage other institutions to recognize the Day; reaffirming the City's commitment to promote the prosperity and well-being of Hood River's American Indian, Alaska Native and Indigenous community (Resolution)

WHEREAS, the City of Hood River recognizes that the Indigenous People of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the City recognizes the fact that Hood River is built upon the homelands and villages and traditional use areas of the Native Americans of this region; and

WHEREAS, the City of Hood River has a responsibility to oppose the systematic racism towards Indigenous Peoples of the United States, which perpetuates high rates of poverty and income inequality, exacerbating disproportionate health, education, and social crises; and

WHEREAS, Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on Discrimination against Indigenous Populations in the Americas; and

WHEREAS, the United States endorsed the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") on December 16, 2010 and the Declaration recognizes that "indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources"; and

WHEREAS, Article 15 of the Declaration recognizes the right of indigenous peoples "to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information" and places an obligation on States to "take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society"; and

NOW, THEREFORE BE IT RESOLVED, the City of Hood River shall recognize Indigenous Peoples' Day on the second Monday in October; and

BE IT FURTHER RESOLVED that Indigenous Peoples' Day shall be used to reflect upon the ongoing struggles of Indigenous People on this land, and to celebrate the thriving culture and value that Indigenous Peoples add to our city; and

BE IT FURTHER RESOLVED that the City of Hood River encourages other businesses, organizations, and public institutions to recognize Indigenous Peoples' Day.

Approved and Effective this 13th day of October 2020.

Kate McBride, Mayor

Attest:

Approved as to form:

Jennifer Gray, City Recorder

Daniel Kearns, City Attorney



CITY OF HOOD RIVER

211 2nd Street, Hood River, OR 97031 Phone: 541-386-1488

Kate McBride

Mayor

City of Hood River

211 2nd Street

Hood River, OR 97031

541-436-0654

October 6, 2020

The Honorable Elaine Chao

Secretary of Transportation

U.S. Department of Transportation

1200 New Jersey Avenue, SE

Washington, D.C. 20590

Re: Nationally Significant Federal Lands and Tribal Project Program

Dear Secretary Chao,

I am happy to submit this letter on behalf of the City of Hood River in support of the Oregon Department of Transportation's application for funding from the Nationally Significant Federal and Tribal Lands Program. ODOT is seeking funding to complete the construction of the final segment of the Historic Columbia River Highway State Trail—a vital economic driver for communities such as Hood River and others within the Columbia River Gorge National Scenic Area.

This project – construction of the Viento to Hood River segment of the Historic Columbia River Highway State Trail – is extremely exciting for our community. Route 30, as the Historic Highway is also known, runs through the heart of our historic downtown district. A few years ago, we invested Urban Renewal funding in a new public restroom, water fountain and bike repair station that is one block south of Route 30 in anticipation of this important milestone. Additionally, the City is actively working with ODOT on a streetscape plan on the west end of Hood River to create a welcoming entrance for State Trail users as they transition from the Historic Highway State Trail into downtown.

The City of Hood River is a stakeholder in this decades-long effort to fully restore and reconnect

the Historic Columbia River Highway State Trail. We appreciate the years of hard work and dedication that ODOT and other partners, including Hood River County, have put into restoring the highway and trail in such a way that honors its historical, recreational and cultural significance. It is truly a world-class experience to drive, walk and bicycle the unique segments of this National Historic Landmark, which provides people with unbelievable views of the Columbia River Gorge and the ability to step back in time.

In funding the completion of the Viento State Park to Hood River segment of the Historic Columbia River Highway State Trail, the Nationally Significant Federal and Tribal Lands Program would drive job creation and economic opportunities while enhancing transportation options for local residents and visitors alike. Thank you for considering this project for full funding.

Best,

Kate McBride
Mayor