

File No.: \_\_\_\_\_  
Fee: \$250  
Date Rec'd: \_\_\_\_\_

**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: BOWE ADDITION HOME OWNERS ASSOCIATION

Address: 784 St. Charles Pl.

(physical) HOOD RIVER, OR 97031

(mailing) Same

(email) KHIRSHBERG@COFFEEINSTITUTE.ORG

Telephone: 541-399-2494 Cell Phone: 541-399-2494

Signature:  Date: 1-6-2020

FILE BEING APPEALED: File Name Galvez-Barajas Home Occ File #: 2019-41  
764 Park Place Loop

DATE OF NOTICE OF DECISION: December 23, 2019

DATE OF APPEAL: January 6, 2020  
*(must be within 12 days from the date of the Notice of Decision)*

ACTION SUBJECT TO APPEAL: Appeal of findings of fact & decision. (See attached)

**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: The property at 764 Park Place Loop is in the Bowe Addition HOA.

City of Hood River Planning commission  
211 2<sup>nd</sup> Street  
Hood River, OR 97031

January 5, 2020

Commissioners:

The most recent meeting of the Bowe Addition Homeowners was held on 01-04-2020 and attended by 11 homeowners. The purpose of the meeting was to discuss the proposed daycare at 764 Park Place Loop, Hood River and the response to our letter dated 12-07-2019.

The group was concerned about the subsequent approval of the daycare for up to 16 children at 764 Park Place Loop. We thank Ms. Kaden for her thoughtful response. We believe she attempted to respond to our concerns. The group was in agreement that child care is needed in the Hood River area. However, the following concerns were again expressed:

1. Size of day care. Why 16? If this was 6-8 there would be minimal concerns.
2. Parking – this is a major concern with 10 – 16 more cars on a daily basis.
  - a. Where will parents park? The owner states “in the driveway” but the city has stated as a condition of approval that staff park in the driveway. There are approximately two or three spaces in front of the daycare. This will provide a log jam at drop off and pick up.
  - b. The city has recommended as a condition of approval that a valet system be established. We are talking about young children, many of whom are not walking and this seems like an unreasonable expectation to complete. Transitions for young children can take 10-15 minutes or more at drop off and pick up. It seems unlikely that this condition can be met.
  - c. Mailboxes cannot be blocked or mail will not be delivered. This is already an issue with the existing daycare. We understand that this is not of concern to the city because this daycare at 3650 Park place is located in the county. Please hear us.... ***This is an issue!*** The Northern entrance of Park Place Loop is already a log jam.
  - d. Driveways cannot be blocked – this is already an issue and homeowners have been inconvenienced. At a recent meeting of the parents for the daycare at 764 Park Place Loop a driveway was blocked. The parent was quite annoyed when asked to move as it inconvenienced her! Meanwhile, the owner of the home was merely attempting to leave to make a previously scheduled appointment.
3. Traffic – increased traffic on Park Place Loop and St. Charles Place. A “come in from the North and head South on Park Place Loop” was proposed by the city. Who will monitor this?

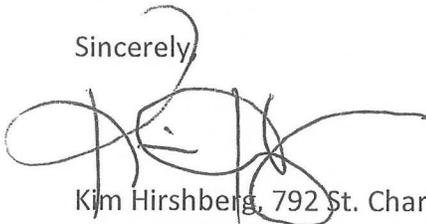
4. Safety – various concerns with increased congestion. These issues were not addressed in Ms. Kaden’s response.
  - a. Access for emergency vehicles.
  - b. Children in the neighborhood walking to the “common area”.
  - c. Children in the neighborhood walking to and from school.
  - d. Young children (under age 3) walking from day care to the “common area”
  
5. Current ordinances –
  - a. Non-compliance to Addition HOA Declaration of Covenants, Conditions Restrictions. (Oregon State Legislature: ORS 94.777, ORS 94.780.). Article VIII of the CC&R’s for properties within the Bowe Addition that was amended in 1991 states in their first sentence that “No lot shall be used for any purpose other than residential...”Regardless of City ordinances the CC&R’s are binding for all Bowe Addition homeowners and are presented to the homeowner as a part of the home purchase. The City should be supporting Homeowner Associations and the Covenants, Conditions and Restrictions homeowners agree to when they purchase their home. HOA’s make the city a better place!
  - b. Not a “home occupation” as owners do not live on the premises but are running a for profit business. (City Code 04.100). Although the “renter” is running the business she may have up to 4 additional staff which violates city code (see comment below in #c.)
  - c. This will violate the following in City Code – no more than one assistant shall be on the site, any increase in noise outside the dwelling, and only minor increase in traffic to and from the dwelling unit.
  
6. Confusing Facts in the Response by the City
  - a. At one point, the application states one resident (the renter) and one additional staff. The city responds with the need for sufficient staff per licensing. If there are 16 children, this would be up to 4 staff. This is confusing... which is it... two staff or up to 4 staff (a big difference in the number of children, cars and staff)? If this is a home day care then the owner and one staff... if this is a mega business, then up to 4 staff.
  - b. The City and the application respond that there will be a “quick” drop off. We are talking about children under the age of 3.... There is no such thing as a “quick” drop off as children this age need transition time which can take 10-15 min or longer.
  - c. No change in the character of the dwelling. It is noted that there will be no change in the character of the dwelling both exterior and physical attributes of the interior. We assume this to mean that the garage will remain a garage so that staff can park inside. We assume this to mean that the garage will not be converted into a play/living space. This would allow for staff to park in the garage and driveway.

7. Assumptions we are making given the city's response
  - a. No children will arrive before 7:30 am
  - b. No children will depart after 5 pm
  - c. All staff will park in the garage or driveway
  - d. No private driveways will be blocked
  - e. No mailboxes will be blocked
  
8. Other Concerns:
  - a. Potential devaluation of adjacent property.
  - b. Potential Liability for homeowners in the HOA when a business uses our "common area".
  - c. Quality of Life – increased noise, number of cars, traffic, parking and safety.

The Bowe Addition HOA is a welcoming neighborhood. Many of our current homeowners personally know the new homeowners and welcome them. We plan to meet with the new homeowner and the renter to discuss our concerns and attempt to work out a resolution that complies with the Bowe Addition HOA's CC&R's. We wish to be neighborly and at the same time preserve the wonderful, quiet neighborhood that so many of us craved and thus purchased homes here. We desire a peaceful resolution to this and hope that the City of Hood River will support us in this resolution. We understand that many of the letters of support you received make us out to be "the bad guys" when we are merely happy residents of a sweet, quiet neighborhood who wish to preserve a lifestyle that we worked hard to join and enjoy.

We are all in support of daycare, but not this large and not under these conditions.

Sincerely,



Kim Hirshberg, 792 St. Charles Place  
Bowe Addition HOA President

Residents in Attendance:

Lisa Wish, 784 St. Charles Place  
Sandy Kirkland, 756 Park Place Loop  
Susan Donnelly, 777 St. Charles Place  
Jaqueline Roeske, 782 St. Charles Place  
Mark Bailey, 782 St Charles Place

Julie Dosier, 780 St. Charles Place  
Lori Pillette, 766 Park Place Loop  
Smitty Price, 797 St Charles Place  
Judie Hanel, 760 Park Place Loop  
Velma Budworth, 766 Park Place Loop

## MEMORANDUM

To: Hood River Planning Commission  
From: Daniel Kearns, City Attorney  
Date: January 14, 2020  
Re: Family Day Care – appeal issues and state preemption of local regulation

On the surface, this land use case involves a home occupation, but the specific use involved is the subject of a substantial amount of state regulation - regulation that essentially occupies the field of family in-home day care operations and preempts local zoning authority. In this memo, I describe how ORS 329A.440 preempts the City's ability to apply its customary criteria and regulations that apply to all other home occupations.

As a starting point, the Oregon Legislature has declared that the provision of safe and affordable day care for families is a matter of state-wide concern. The bulk of ORS Ch. 329A pertains to the regulation of day care operations to ensure the health, safety and welfare of children using day care in this state. ORS 329A.440, affects local governments and preempts local regulations that make it difficult, expensive or impossible to provide safe, affordable and effective day care services. The following provisions of the statute apply to Hood River:

329A.440 Application of zoning ordinances to registered or certified family child care homes. (1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

\* \* \*

(4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status.

The administrative rule implementing this statute – OAR 414-350-0010(7) defines Certified Family Child Care Home to mean “a child care facility located in a building constructed as a single-family dwelling that has a certificate to care for a maximum of 16 children at any one time.” Finally, state law also expressly prohibits Homeowner Associations from enforcing

CC&Rs that would have the effect of prohibiting or curtailing family child care homes in residential subdivisions:

93.270 Certain discriminatory restrictions in conveyancing instruments prohibited; restriction on right of action. (1) A person conveying or contracting to convey fee title to real property may not include in an instrument for that purpose a provision:

...

(b) Restricting the use of the real property:

(A) As a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450 or as the premises of an exempt family child care provider participating in the subsidy program under ORS 329A.500; or

When applied to the recent application for an in-home day care in the City's R-2 zone, the City was preempted from regulating this use, so long as it was for 16 or fewer children, to "conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone." Thus, the City was preempted by ORS 329A.440 from treating or regulating this use any differently than any other residential uses in the zone. The Director's conditions were designed to help integrate the day care operation into the neighborhood to the maximum extent possible without running afoul of the preemption of ORS 329A.440. It is not legally possible to impose any more or greater conditions, limitations or restrictions on the operation of this day care facility in its current location (within the City's R-2 zone) because no such conditions can lawfully be imposed by the City on other residential uses.

**Conclusion:** The Planning Commission is preempted by ORS 329A.440 from granting any of the relief the appellant neighbors seek in this appeal. Their claims seeking city enforcement of the HOA's covenants that restrict day care operations in this residential neighborhood are specifically preempted by ORS 93.270(1)(b). It is hoped that, by implementing the conditions listed in the Director's Type II decision, many or most of the impacts the appellant neighbors complain about will be reduced or eliminated.



# CITY OF HOOD RIVER

PLANNING DEPARTMENT

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

## FINDINGS OF FACT & DECISION

December 23, 2019

**Updated January 14, 2020**

Application submitted: November 7, 2019  
Application deemed complete: November 25, 2019  
120-day deadline: March 24, 2020

To: Socorro Galvez, Lynette Barajas  
From: Jennifer Ball Kaden, Associate Planner  
RE: File No. 2019-41 – Home Occupation for a Family Day Care in the Urban Standard Density Residential (R-2) Zone

**NOTE:** This report is updated solely to include additional dates in the history timeline of the application and inclusion of additional comments received upon Notice of Appeal.

### I. BACKGROUND INFORMATION:

- A. **REQUEST:** Home Occupation to establish a Family Day Care for up to 16 children in the Urban Standard Density Residential (R-2) Zone. No site improvements or building modifications are proposed. (See Attachment "A").
- B. **APPLICANT:** Lynette Barajas
- C. **PROPERTY OWNER:** Socorro Galvez
- D. **PROPERTY LOCATION:** 764 Park Place Loop. Legal Description: 3N 10E 35CA Tax Lot 637. (See Attachment "C," Location Map.)
- E. **ZONING:** Urban Standard Density Residential (R-2)
- F. **PROPERTY SIZE & USE:** Approximately 6,875 square feet. The site is developed with a single family dwelling.
- F. **SURROUNDING ZONING & LAND USES:**
  - North: R-2, Residential.
  - South: R-2, Residential.
  - East: R-2, Residential.
  - West: R-2, Residential.
- H. **APPLICABLE HOOD RIVER MUNICIPAL CODE (HRMC) CRITERIA:**
  - 1. 17.09.030 – Administrative Review Procedures
  - 2. 17.03.020 – Urban Standard Density Residential Zone (R-2)
  - 3. 17.04.100 – Home Occupation

**I. AGENCY COMMENTS:**

1. Building Department: No comments
2. Engineering Department: No comments
3. Fire Department: No comments

**J. NEIGHBORING PROPERTY OWNER COMMENTS:** Property owners within 250 feet of the subject parcel were notified of this request. The following comments were submitted in response to the notice:

1. Emily Perkins, written comments attached (Attachment "D")
2. Holly Tencer & Chris Boston, written comments attached (Attachment "D")
3. Stephanie & Ryan Hepburn, written comments attached (Attachment "D")
4. Velma R. Budworth, written comments attached (Attachment "D")
5. Dawn Elle, written comments attached (Attachment "D")
6. Christine Ohgren, written comments attached (Attachment "D")
7. Sandy Kirkland, written comments attached (Attachment "D")
8. Jack Miller, written comments attached (Attachment "D")
9. Kim Hirshberg, Bowe Addition HOA, written comments attached (Attachment "D")
10. Julie and John Dosier, written comments attached (Attachment "D")
11. Mark Bailey & Jacqueline Roeske, written comments attached (Attachment "D")
12. Susan Donnelly & Robert Sharkey, written comments attached (Attachment "D")
13. Sunnie Turek, written comments attached (Attachment "D")
14. Bonita Jo Brackman, written comments attached (Attachment "D")
15. Dale & Susan Price, written comments attached (Attachment "D")
16. Lori & Brian Pilette, written comments attached (Attachment "D")
17. Gary McFarlen, written comments attached (Attachment "D")
18. Preston Brown, written comments attached (Attachment "D")
19. Nicholas & Candice Richards, written comments attached (Attachment "D")
20. Judie Hanel, written comments attached (Attachment "D")
21. Kathleen A. Stanley, written comments attached (Attachment "D")
22. Nick Kraemer, written comments attached (Attachment "D")
23. Katherine Sherrill, written comments attached (Attachment "D")
24. Katie Davidson, written comments attached (Attachment "D")
25. Sophia Britt, written comments attached (Attachment "D")
26. Karen Garcia, written comments attached (Attachment "D")
27. Nic & Candice Richards, written comments attached (Attachment "D")
28. Lynette Barajas, written comments attached (Attachment "D")
29. Marizela Lopez, written comments attached (Attachment "D")
30. Bianca Rodriguez, written comments attached (Attachment "D")
31. Chad Wimmers, written comments attached (Attachment "D")

**NEIGHBORING PROPERTY OWNERS AND PARTIES OF RECORD COMMENTS:** Property owners within 250 feet of the subject parcel and parties of record were notified of the appeal. The following comments were submitted in response to the notice of appeal and public hearing:

1. Nic & Candice Richards, written comments attached (Attachment "E")
2. Tollie B, written comments attached (Attachment "E")
3. Pauline Smith, written comments attached (Attachment "E")
4. Nissa Huber, written comments attached (Attachment "E")

**K. HISTORY:**

1. Application submitted November 7, 2019
2. Application deemed complete November 25, 2019
3. Agency referrals e-mailed November 26, 2019
4. Notice of application mailed November 26, 2019
5. Notice of decision mailed December 23, 2019
6. Appeal application filed January 6, 2020
7. Notice of Appeal & Public Hearing mailed January 7, 2020
8. Planning Commission hearing scheduled January 21, 2020

**L. ATTACHMENTS:**

1. Attachment "A" – Application Narrative, November 16, November 21, & December 9, 2019
2. Attachment "B" – Site Map, November 11, 2019
3. Attachment "C" – Location Map
4. Attachments "D1 – D31" – Written comments submitted, November 14 – December 17, 2019
5. Attachments "E1 – E4" – Written comments submitted, January 7 – 13, 2020

**II. FINDINGS OF FACT**

17.03.020 Urban Standard Density Residential Zone (R-2)

**A. Permitted Uses:**

1. Detached single-family dwellings for residential and accessory structures
2. Duplexes for residential use
3. Manufactured homes for residential use
4. Mobile home parks subject to 17.12
5. Residential care facilities
6. Group residential, if less than fifteen (15) persons
7. Transportation facilities pursuant to 17.20.050(A)
8. Public parks, playgrounds, and related facilities in an approved subdivision, subject to site plan review
9. 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 in accordance with HRMC 17.04.100
  - e. Hosted Homeshares and vacation home rentals subject to HRMC 17.04.115
10. Townhouse projects for residential use including:
  - a. Two (2) townhouses subject to HRMC 17.19
  - b. four (4) or more townhouses subject to HRMC 17.16 and HRMC 17.19

**FINDINGS:** A Family Day Care is a permitted use when it is accessory to a residential use, subject to the standards in HRMC 17.04.100.

HRMC 17.01.060 defines "Family Day Care" as the "care of twelve (12) or fewer children either full- or part-time, including resident family members, as accessory to any residential use. Family day care is subject to the definition of "home occupation" in this chapter."

HRMC 17.01.060 defines "Home Occupation" as "the occupation carried on by a resident of a

dwelling unit as an accessory use within the dwelling unit or within an accessory building which is incidental or secondary to the residential use.”

HRMC 17.01.060 defines “Residential Use” as “the occupancy of a dwelling unit on a non-transient basis. Uses where tenancy is arranged on a transient basis are not considered residential. “

The property located at 764 Park Place Loop is developed with a single family dwelling. No new buildings or additions are proposed. According to the application materials (Attachment “A”), the applicant will reside in the dwelling and proposes to operate a Family Day Care for up to 16 children within the dwelling. The proposal for operations of the day care include childcare for children ages 3 months to 3 years with hours of 7:30 am to 5:00 pm, Monday through Friday, and drop-off and pick up hours from 7:30 to 9:00 am and 3:00 to 5:00 pm. Childcare will be provided primarily indoors, with outdoor play time weather permitting.

HRMC 17.01.060 defines accessory use as “a use.... incidental and subordinate to the main use of the property and located on the same lot as the main use.”

The applicant proposes to operate a Certified Family Child Care home, defined under Oregon Administrative Rules as “a child care facility located in a building constructed as a single family dwelling that has a certificate to care for a maximum of 16 children at any one time.” (OAR 414-350-0010) Where there is a discrepancy in the state and local definitions of family child care, the state definition controls. Thus, a Certified Family Child Care home is a permitted family day care use, for care of sixteen (16) or fewer children, in the R-2 zone. State law (ORS 329A.440) requires that all cities in the state allow registered or certified child family care homes in all residential and commercial zones, and it preempts the City’s authority to impose any conditions on the establishment or maintenance of a registered or certified child family care home that are more restrictive than conditions imposed on residential dwellings.

Oregon Revised Statutes state that a certified family child care home “shall be considered a residential use of property for zoning purposes.” (ORS 329A.440(1)) The municipal code defines residential use as the “occupancy of a dwelling unit on a non-transient basis.” (HRMC 17.01.060) The municipal code and state law do not require that the owner is the resident of the dwelling or the day care operator, just that the resident is the day care operator. According to the information provided by the property owner (Attachment “A”), the applicant will live in the dwelling on the subject property and the dwelling will be her primary residence. The primary use of the subject property is residential as defined by the municipal code and state law. **Conditions of approval are included to ensure that the use qualifies as a certified family child care home and that the city requirements for residential use are met.**

Because the day care will not be operated on evenings, weekends, or holidays, the day care operation will be accessory to the residential use of the property. Pursuant to HRMC 17.03.020 and state law, the proposed day care is a permitted use, subject to the standards in HRMC 17.04.100, Home Occupation, to the extent these code requirements are not preempted by state law.

Comments received from neighbors include assertions that the day care qualifies as a business and, therefore, violates the Covenants, Conditions, and Restrictions (CC&Rs) for the Bowe Addition neighborhood which include a provision that “no lot shall be used for any purpose

other than residential” (Attachments “D1 – D31”). The Bowe Addition CC&Rs are private restrictions, enforced solely by Bowe Addition owners or the homeowners’ association.

**B. Conditional Uses:** In the R-2 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. Religious institutions
6. Townhouse projects for residential use

**FINDINGS:** HRMC 17.01.060 defines “childcare center” as “the provision for child day care of thirteen (13) or more children through the age of 12 in any 24-hour period and could include a public or private school.” OAR 414-300-0005(10) defines “child care center” as “a child care facility that is certified to care for thirteen or more children, or a facility that is certified to care for twelve or fewer children and *located in a building constructed as other than a single family dwelling.*” (emphasis added). The preemption provisions of ORS 329A.440, however, apply to registered or certified child family care homes that provide care for up to 16 children. Consequently, even though more than 12 children will be cared for in this family day care facility, state law preempts the City’s ability to require a conditional use permit.

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

1. The minimum lot or parcel size shall be 5,000 square feet.
2. The minimum requirement for building sites: per detached single family dwelling unit or duplex, a minimum of 5,000 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:** According to the Hood River County Assessor’s map, the subject property is approximately 6,875 square feet in area with 62.5 feet of frontage on Park Place Loop, a public street. No partition, new buildings, additions, or exterior alterations are proposed, thus no changes to the lot size, lot frontage, or lot coverage 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 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 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.

**FINDINGS:** No new buildings, additions, or exterior alterations are proposed, thus no changes to the setbacks are proposed.

- E. **Maximum building height:** Maximum Building Height. Thirty-five (35) feet for all uses except residential development; twenty-eight (28) feet for all residential development.

**FINDINGS:** No new buildings, additions, or exterior alterations are proposed, thus no changes to the existing building height are proposed.

**F. Parking Regulations:**

- 1. Each dwelling unit shall be provided with at least two (2) parking spaces on the building site, one (1) of which may be in the required front yard setback area.
- 2. Parking spaces utilizing access from a public dedicated alley may be located within the setback area.
- 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 or expanded parking area
- 4. Bicycle parking as required by 17.20.040.

**FINDINGS:** The subject dwelling includes an attached two-car garage and space in the driveway for two cars, in conformance with the parking standard.

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

**FINDINGS:** No signs are proposed. Compliance with sign regulations will be verified prior to issuance of a sign permit.

**B. HRMC 17.04.100 – HOME OCCUPATION**

The following standards apply to a home occupation, as defined in this code. HRMC 17.04.100 imposes a set of conditions that apply to all residential uses where a business or occupation is proposed as an accessory use:

**1. It shall not give the appearance of a business.**

**FINDINGS:** The applicant and owner do not propose any additions or exterior alterations to the dwelling. No signs are proposed. The day care will be operated primarily inside with some outdoor play in the backyard.

Because no physical or structural changes to the exterior of the existing dwelling or property are proposed and no signs or advertising are proposed, the appearance of the property will not change and the proposal is consistent with this standard.

## 2. It shall not change the character of the dwelling.

**FINDINGS:** As described above, no changes to the exterior of the dwelling, garage, driveway, or landscaping are proposed and no sign is proposed. Attributes or physical features of a residential property or dwelling, including the exterior appearance of the dwelling and appearance, will not change.

As noted above, Oregon Revised Statutes state that a certified family child care home “shall be considered a residential use of property for zoning purposes” and that a certified family child care home is “a child care facility located in a building constructed as a single family dwelling that has a certificate to care for a maximum of 16 children at any one time.” (ORS 329A.440(1) & (OAR 414-350-0010))

Whether the proposed day care/home occupation changes the “character” of the dwelling is a subjective standard. On the one hand, no physical changes to the dwelling or property are proposed and no change to the primary use of the dwelling is proposed. No change to outside storage is proposed. On the other hand, some neighbors perceive there will be a change in character due to increased traffic, on-street parking congestion, and noise associated with the operation of a day care (Attachments “D1 – D31”). Noise and traffic issues are addressed below.

Comments received from neighbors include concerns about parking and congestion as a result of the number of families that will be served by the day care and the drop-off and pick-up of children between 7:30 – 9:00 am and 3:00 – 5:00 pm, Monday through Friday. According to the application materials (Attachment “A”), the day care providers will park in the garage and leave the driveway open for parents to park during drop-off and pick-up times. Staff learned in subsequent conversations with the property owner that up to 4 providers will be on site at any given time during the day care hours, depending on the ages and number of children present. The garage can accommodate 2 vehicles and driveway can accommodate two vehicles.

The City does not typically regulate where residents park their vehicle(s), or how many vehicles are parked in a driveway or garage. The City also does not regulate who parks on a public street. To alleviate potential congestion on the street, however, staff recommends that all provider (employee) vehicles be required to park on-site in the garage or driveway.

The City does enforce local, state, and federal parking standards and laws on public streets in the city limits. This includes issues such as blocking fire hydrants, double parking, parked against a yellow curb, blocking mailboxes, parked against the flow of traffic, and blocking driveways. **A condition of approval will alert the applicant and owner of the need to the ensure operation of the day care complies with local, state, and federal parking laws on public streets.**

**In addition, a condition of approval requires that the resident and all employees park on-site in the garage or driveway to minimize impacts to on-street parking and traffic congestion.**

With no physical changes to the dwelling proposed and the continued residential use of the dwelling, and with conditions of approval to alert the applicant and owner to City enforcement of parking violations on public streets and the requirement for day care providers to park on-site, the application is consistent with this criterion.

**3. There shall be no display, except by a non-illuminated sign no larger than one (1) square foot.**

**FINDINGS:** No signage is proposed at this time. Any proposed signage in the future will be subject to this standard and HRMC Title 18, Signs.

**4. No more than one assistant shall be employed on the site.**

**FINDINGS:** The application materials (Attachment "A") indicate the day care will be operated by one primary operator (the resident of the dwelling) and one assistant. There will be an "on call" substitute provider in the case of illness. During the review process, City Staff learned that additional day care providers will be employed as needed to comply with state laws regulating the provider to child ratio.

City staff confirmed with the State Office of Child Care that the number of caregivers required by the State for a Certified Family Child Care Home can vary depending on the ages of the children and the training of the caregivers. For example, the ratio of caregiver to children is 1:10 for children age 24 months through kindergarten (2 and 3 year olds) and the ratio of caregiver to children ages 3 months to 24 months varies depending on the level of training. A common ratio for infant care is 1:4.

ORS 329A.440, prohibits the City from imposing conditions or standards that would prevent the establishment of a certified family child care home in an area zoned residential. As such, the City's requirement that "no more than one assistant shall be employed on the site" conflicts with and is preempted by state law if additional employees are required by the state for the number of children served by the Certified Family Child Care Home.

**A condition of approval is included to limit the number employees working on site at any given time to no more than the number necessary for compliance with the State of Oregon rules for a Certified Family Child Care Home given the ages of the children and the qualifications of the caregivers.**

**5. There shall be no increase in noise outside the dwelling unit.**

**FINDINGS:** Additional noise anticipated with the day care includes the noise associated with the drop-off and pick-up of children and noise associated with outside play.

ORS 329A.440, prohibits the City from imposing conditions or standards that would prevent the establishment of a certified family child care home in an area zoned residential. As such, the City's requirement allowing "no increase in noise outside the dwelling unit" conflicts with state law. Instead, the City's general noise regulations in HRMC Chapter 8.09, which apply to all uses in the city, apply to this and all other uses.

Some of the comments received from neighbors expressed concern about the increase in noise in the neighborhood that will be associated with the operation of a day care (Attachments "D1 – D31").

The City of Hood River regulates noise issues through its nuisance provisions and through a noise

ordinance. Hood River Municipal Code Chapter 8.09, Noise Control, prohibits noise or sound that exceeds 50 dBA between 10:00 p.m. and 7:00 a.m. or 60 dBA between 7:00 a.m. and 10:00 p.m. as measured at the property lines of a residential property or other “noise sensitive property” (HRMC 8.09.030). This ordinance is enforced for all properties in the city and **a condition of approval is included to alert the applicant and owner that the day care shall be operated in compliance with the City’s noise ordinance.**

**6. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.**

**FINDINGS:** ORS 329A.440, prohibits the City from imposing conditions or standards that would prevent the establishment of a certified family child care home in an area zoned residential. As such, strict application of this standard allowing “only a minor increase, if any, in traffic traveling to and from the dwelling unit” is in conflict with this state law and is therefore preempted.

The proposed day care plans to serve up to 16 children, Monday – Friday, with drop-off hours of 7:30 to 9:00 am and pick up hours of 3:00 – 5:00 pm. Based on the latest edition of the *Trip Generation* manual, published by the Institute of Transportation Engineers (ITE), a single family dwelling generates approximately 9.57 weekday average daily trips. The ITE Trip Generation Manual does not include estimates for family day care or a Certified Family Child Care home, however it is logical to assume the number of vehicle trips will increase with the operation of the child care home.

Concerns raised by neighbors include the increase of traffic associated with the operation of the day care (Attachments “D1 – D31”). Concerns include increased congestion, safety, and access for residents and emergency vehicles. In residential zones, the City does not require the submittal of a traffic study for the establishment of permitted uses. Furthermore, ORS 329A.440 requires that all cities in the state allow registered or certified child family care homes in all residential and commercial zones, and it preempts the City’s authority to impose any conditions on the establishment or maintenance of a registered or certified child family care home that are more restrictive than conditions imposed on residential dwellings. Thus, no traffic study was required for this application.

In the application materials (Attachment “A”), the property owner states that the drop-off and pick-up times will be established “for limiting traffic on Park Place and to be considerate of neighbors.”

Comments from neighbors state that congestion in the street will be exacerbated because there already is a Family Day Care located at 3652 Park Place Loop. The existing day care is located outside of city limits. There is no provision in the municipal code to regulate the number of or distance between home occupations or Family Day Care facilities.

Park Place Loop is a public street designed for on-street parking on both sides of the street. The pavement width on Park Place Loop adjacent to the subject property measures approximately 30 feet. The City’s standards for local streets include a minimum paved width of 28 feet (HRMC 16.12.060(B.6) Figure 16.12-E (Local Streets Standard Diagram). As discussed above, the city enforces local, state, and federal parking laws on public streets within the city and **a condition of approval will alert the applicant and owner to the ensure operation of the day care complies with local, state, and federal parking laws on public streets.**

To further alleviate traffic impacts to neighbors and to maintain safe and orderly traffic flow during the a.m. drop-off and p.m. pick-up peak hours, **a condition of approval is included to require that all care provider vehicles park on-site.** In addition, given the layout of streets in the neighborhood, it appears there are several options for alleviating traffic congestion during the peak a.m. drop-off time and the peak p.m. pick-up time. First, on-street parking is available adjacent to the dwelling, north of the driveway. Immediate adjacent to the driveway could also be available for clients because provider vehicles in the driveway will be arriving before and departing after clients. The applicant/operator shall leave these two spaces available for quick client pick-up/drop-off to alleviate need for clients to park in other areas that might interfere with ordinary traffic patterns. Given that Park Place Loop is a loop, that allows for one-way traffic flow to facilitate customer drop-off and pick-up without causing unsafe traffic congestion, clients shall enter Park Place Loop at the north end, travel south on the street to pull up along the curb adjacent to the curb facing south, complete the drop-off or pick-up, and continue south to exit the loop at the south end and exit the subdivision via St. Charles Place northbound. This requirement will facilitate one-way traffic flow to enhance and protect safe traffic flow and minimize unsafe congestion. This will also minimize the frequency of vehicles backing into the street, thereby improving both safety and minimizing any congestion issues that may occur. For particularly busy times, the day care shall offer curb-side “drop and go” or valet-type service to facilitate the safe conveyance of children into and out of the child care facility and avoid the possibility of cars queuing in the street for longer than a relatively quick drop-off or pick-up.

**To mitigate traffic issues, conditions of approval are included to require the applicant and owner:**

- **Limit the number of children or families served to the number permitted under state regulations for a Certified Family Child Care home;**
- **Park all provider (employee) vehicles on-site in the garage or driveway;**
- **Develop a parking and traffic flow plan during drop-off and pick-up hours that minimizes parking and vehicle congestion impacts to neighbors;**
- **Develop “good neighbor” policies for drop-off and pick-up procedures to share with clients and employees that reminds clients and employees to follow the parking and traffic flow plan and obey all local, state, and federal parking standards on public streets; and**
- **Establish an optional “drop and go” or valet-style drop-off and pick-up service for clients during busy periods.**

As conditioned, the application meets this standard to the extent permissible under state law.

**III. CONCLUSIONS:** The application is to establish a Family Day Care in the single family dwelling located at 764 Park Place Loop. The owner and applicant propose to serve up to 16 children as permitted under state law for a Certified Family Day Care Home. The day care will be operated by the resident of the dwelling and one assistant will be employed as well. Child care providers shall park in the on-site garage and in the driveway to make on-street (curbside) space available for parents to drop-off and pick-up their children. The day care will be operated Monday – Friday from 7:30 am to 5:00 pm with drop-off hours of 7:30 to 9:00 am and pick up hours of 3:00 to 5:00 pm.

Neighbors submitted comments concerning the potential impacts of the day care on the Bowe Addition neighborhood including increased traffic, safety, noise, Homeowners’ Association liability for use of the neighborhood park, and violation of the Bowe Addition’s Covenants, Conditions and Restrictions (CC&Rs). The CC&Rs are private restrictions not enforced by the City. It is the responsibility of

homeowners to comply with CC&Rs and it is the authority of the Homeowner's Association or individual property owners to enforce them. State law may limit the extent to which CC&Rs can restrict or prohibit the use of the subject dwelling as a Certified Family Child Care home.

Written comments submitted also included many letters of support for the establishment of the Family Day Care. (Attachments "D1 – D31")

The proposed Family Day Care shall comply with the requirements for Home Occupations and other applicable City standards, subject to state certification for a Certified Family Child Care Home. State law preempts the City from imposing any conditions on the establishment or maintenance of a family child care home that are more restrictive than the conditions imposed on residential uses, or imposing requirements that have the effect of prohibiting a Certified Family Day Care Home in the City's residential zones. The City enforces local, state, and federal parking laws on public streets, the local Noise Ordinance, and the City's nuisance ordinance.

State laws and regulations govern the licensure and operational requirements of a family day care such as caregiver training, caregiver to child ratio, square footage of a dwelling required for a family day care, and maximum number of children served by the facility. Given the valid concerns raised by neighbors about traffic and public safety hazards that might arise if certain minimal parking and traffic flow measures are not implemented by the operation of this day care facility, staff has included conditions that are not preempted or prohibited by state law, such as conditions related to traffic and noise. These conditions of approval are also included to alert the applicant and owner to the local noise ordinance and to local, state, and federal parking standards on public streets.

**IV. CONDITIONS OF APPROVAL:** Based on the foregoing findings, the application materials, representations and statements made by the owner, this application to establish a Family Day Care for up to 16 children at the residence located at 764 Park Place Loop is **approved subject to the following conditions.** This approval is granted subject to the requirements that the applicant and owner shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings:

1. The primary use of the dwelling shall be residential. The dwelling shall be the primary residence of at least one of the child care providers.
2. The number of children present at the family day care shall not exceed the number permissible under state laws governing a Certified Family Child Care home.
3. Number of employees working on site at any given time shall be limited to no more than the number necessary for compliance with the State of Oregon rules for a Certified Family Child Care Home given the ages of the children and the qualifications of the caregivers.
4. The family child care facility shall operate in compliance with the City's noise ordinance in HRMC Chapter 8.09.
5. The child care providers (employees) and clients shall follow all applicable local, state, and federal parking laws for public streets.

6. To minimize traffic safety hazards, the applicant and owner shall:
  - a. Require that all child care provider/employee vehicles park on-site in the garage or driveway, not on the street;
  - b. Develop a parking and traffic flow plan for the drop-off and pick-up peak times that includes one-way (north to south) traffic flow on Park Place Loop and minimizes parking and vehicle congestion and safety impacts to neighbors;
  - c. Distribute the traffic flow and parking plan to all clients, employees, and neighbors on Park Place Loop and St. Charles Place;
  - d. Develop “good neighbor” policies for drop-off and pick-up procedures to share with employees and clients that reminds employees and clients to follow the parking and traffic flow plan and obey all local, state, and federal parking standards on public streets; and
  - e. Establish an optional “drop and go” or valet-style drop-off and pick-up service during busy periods.
7. The applicant and owner shall provide a point of contact for the neighbors to communicate complaints about the facility related to neighborhood issues.
8. This home occupation shall be established within two years from the written Notice of Decision, or the decision on an appeal, whichever is later. A single one 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 30 days prior to the expiration of the permit. The permit is not transferrable.
9. Failure to comply with these conditions may result in civil enforcement proceedings pursuant to HRMC Title 1 or may nullify this permit.

## Jennifer Kaden

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**From:** Socci Galvez <hrblossomspreschool@yahoo.com>  
**Sent:** Saturday, November 16, 2019 7:15 PM  
**To:** Jennifer Kaden  
**Subject:** 764 Park Place Loop

764 Park Place Loop

Jennifer,

Here is the address for the home that the care will take place in. To answers the questions regarding 17.04.100 Home Occupation:

1. The home will not in anyway give the appearance of a business such as no signs, advertisements, etc.
2. It will not change the character of the dwelling. We plan to keep to keep the property maintained as it looks now, or better, with no major additions or changes.
3. There will be no display of any signs on the property at any time. No signs promoting business or otherwise.
4. There will be no more than one assistant on site. There will be only 2 caregivers on site at all times: the main caregiver and the assistant. There will be someone on call (substitute) if someone gets sick/there is an emergency to come fill in. We will abide by state regulations.
5. There shall be no increase in noise outside the dwelling side.
6. There will be only a minor increase in traffic traveling to and from the dwelling unit. Traffic will be a quick drop off and quick pick up from parents only.

Maximum children to be served is 16 as childcare regulations state.

Please let me know if you need anything else.

*Socci Galvez*

*Blossoms Bilingual Preschool  
2405 Eastside Rd. Hood River OR, 97031  
Cell: 541-399-4840 | Site: 541-386-4919 x 4310  
hrblossomspreschool@yahoo.com  
www.blossoms-bilingual-preschool.com*

## Jennifer Kaden

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**From:** UziSocci Galvez <hrblossomsPRESCHOOL@yahoo.com>  
**Sent:** Thursday, November 21, 2019 6:13 PM  
**To:** Jennifer Kaden  
**Subject:** Re: 764 Park Place Loop Daycare

### Sent from Yahoo Mail for iPhone

On Thursday, November 21, 2019, 8:43 AM, Jennifer Kaden <J.Kaden@cityofhoodriver.gov> wrote:

Hi Socci –

I have a couple of quick follow up questions for you about the Day Care proposal at 764 Park Place Loop:

1. What will the hours of operation be? \*From 7:30am to 5:15 pm
2. Will space be available in the driveway for drop off and pick up? \*Yes, the driveway will always be open with plenty of space.
3. Is the house the residence of the main caregiver? Yes.

~~~~~socci

Thank you!

Jennifer

Jennifer Ball Kaden

Associate Planner

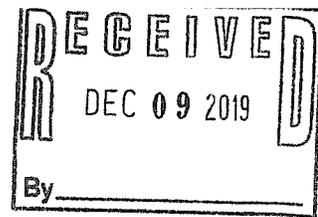
City of Hood River

211 2<sup>nd</sup> Street

Hood River, OR 97031

[j.kaden@cityofhoodriver.gov](mailto:j.kaden@cityofhoodriver.gov)

[541-387-5215](tel:541-387-5215)



To the residence of Park Place Loop,

My name is Socci Galvez and my husband and I are the new owners of 764 Park Place Loop.

It has come to our attention that there are some concerns amongst the neighborhood about starting childcare in the home. We would love to address those worries as soon as possible with those who are willing to share. Here is a detailed plan of how we intend for the childcare to be run.

- Lynette Barajas, the one who will be living there, will be doing childcare as part of her income in the home for children from 3 months to right under 3 years old. She will be licensed by the state and will follow all requirements and regulations.
- The number of children present per day will be 12 to 16 per day, with an assistant and on call substitute in case some gets sick.
- Our plan is to provide childcare between 7:30am to 5:00pm, Monday through Friday, with only quick drop-off and pick-up periods. Drop off time is from 7:30am-9:00am, while pick up is from 3:00pm-5:00pm. This is set in place for limiting traffic on Park Place and to be considerate to the neighbors. This is a year round childcare. During the school year, we will follow the school district calendar for holidays, breaks, etc.
- 70% of the childcare will be indoors with the exception of walking to the park in small groups when it is nice out, and children playing in the property's backyard.
- There will absolutely be no advertisements or signs of any kind for the childcare outside of the house or in the yard.
- The driveway will be open for parents to drop-off and pick up their child quickly to avoid parking in the street most of the time. Parents will be notified and reminded of this as well.
- It is our priority to keep the dwelling clean and presentable to meet the standards of the neighborhood.

My husband and I would love to know what specific concerns you have regarding the childcare.

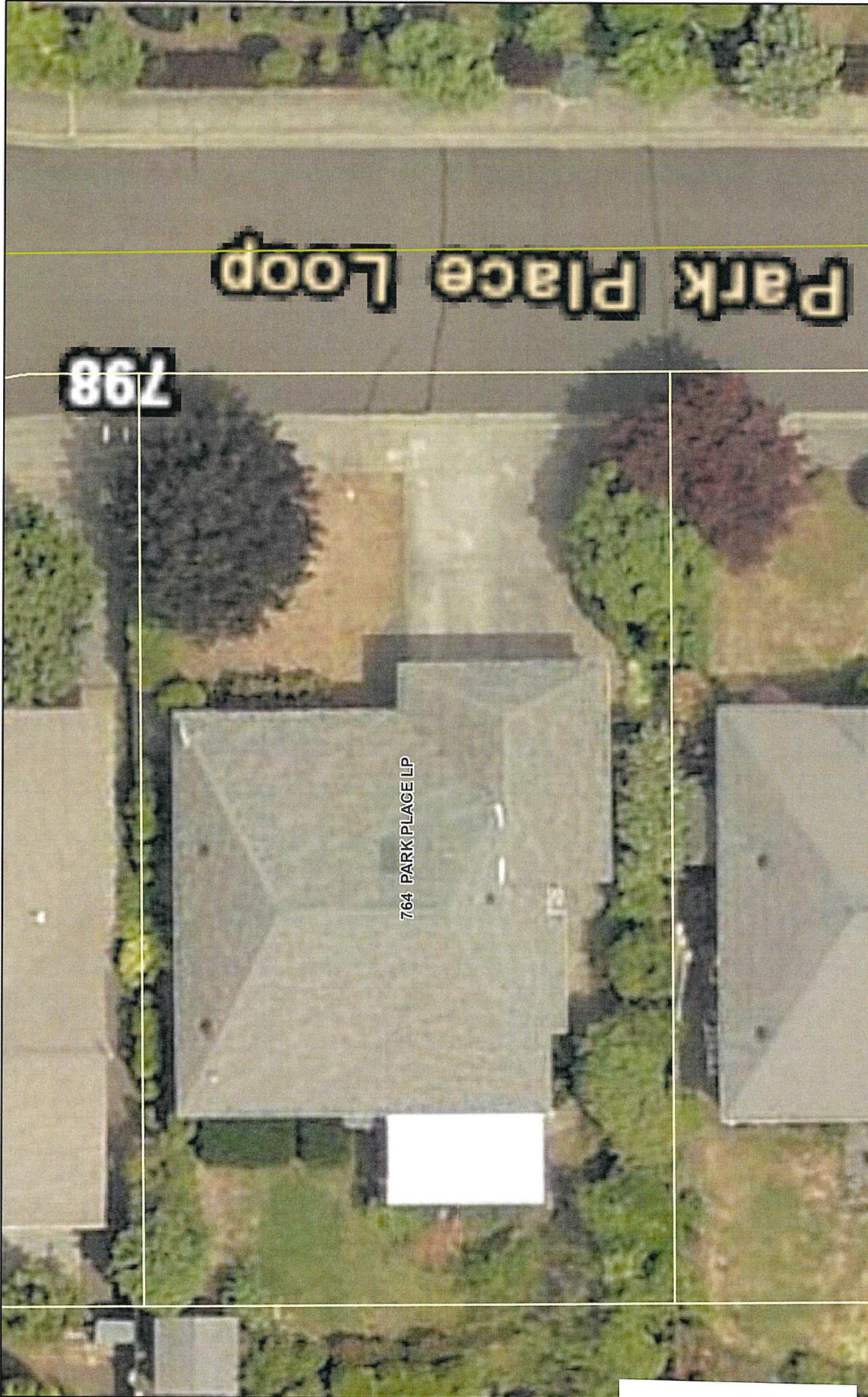
Our overall goal is not to upset or concern anyone, but to provide high-quality childcare in a high-quality environment for families who need it. In town there are currently very few, if any, options for families with young children who work part-time or full-time. Parents are looking to find trustworthy adults to watch out for their children while they do their best to provide for their families. We only want to support them.

We look forward to hear from you and we can only hope that with time you will support what we are trying to do for our community.

Best,

Socci and Uzi Galvez

# City of Hood River Planning Department Map



11/21/2019, 8:33:05 AM

1:282



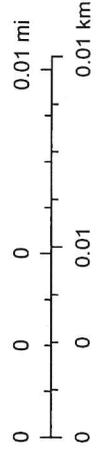
City Limits

Hood River SITUS Addresses



Urban Growth Boundary

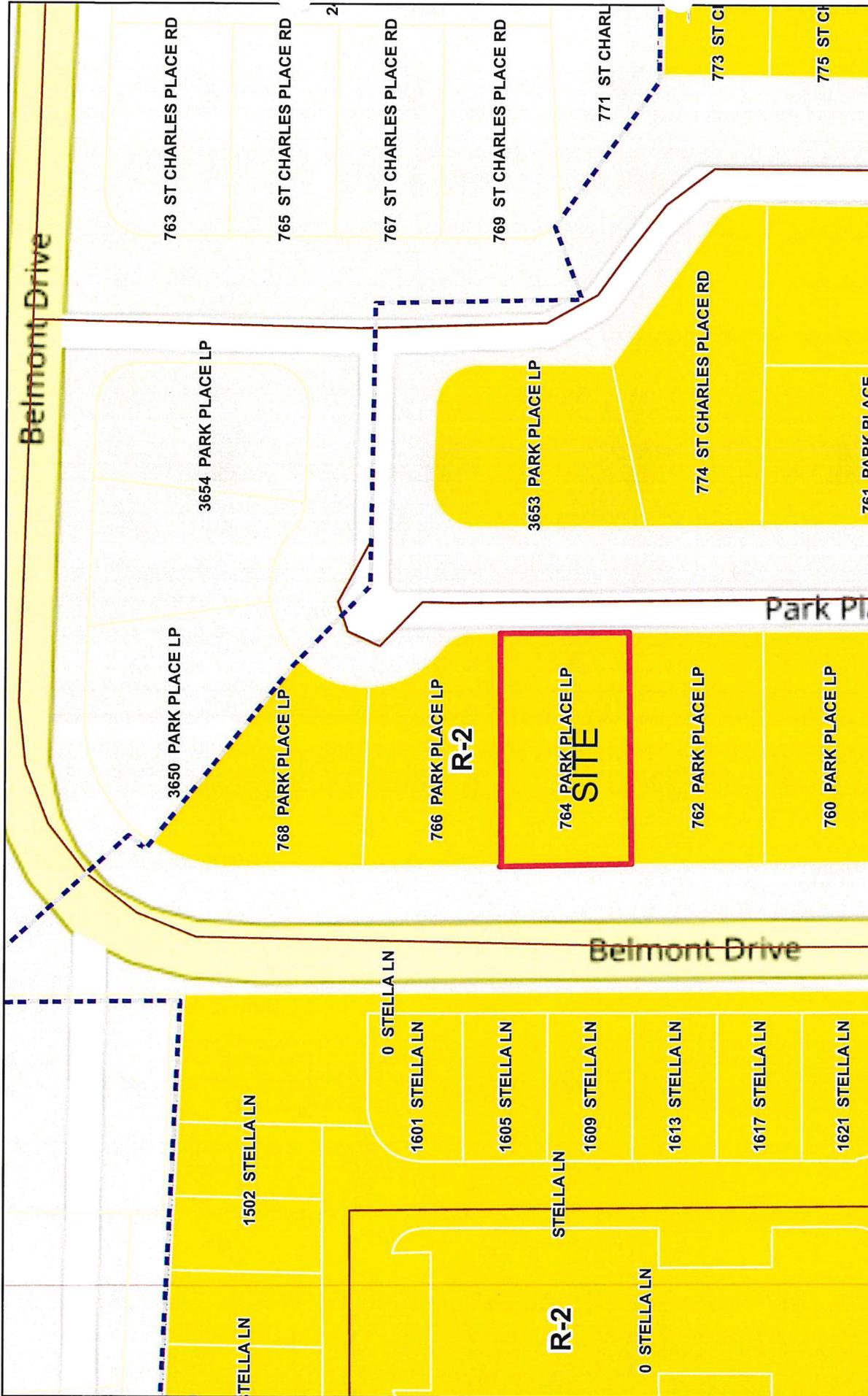
QuarterQuarterGRID



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri,

DigitalGlobe | State of Oregon GEO, Esri, HERE, iPC | United States Postal Service |

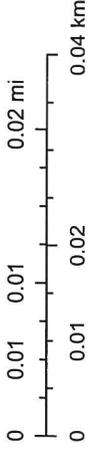
# Location Map - File No. 2019-41



11/25/2019, 1:44:37 PM

- City Limits
- Urban Growth Boundary
- Hood River SITUS Addresses
- City Zoning
- R-2
- QuarterQuarterGRID

1:1,128



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

Emily Perkins | 902 28<sup>th</sup> Street | Hood River, OR | 97031

To Whom it May Concern:

I hope this note finds you well. I am a new mom in the Hood River Community. My husband and I are also new residents in the Gorge. One month after moving here and closing on our home, we welcomed our first baby into the world.

We were very fortunate to find a space for him at Rachel's Corner when he was 7 months old. Thankfully, since we learned that working from home and taking care of baby was not a realistic task! We have been very satisfied with the care that the staff at Rachel's Corner has provided. They have been an incredible asset to our son's development and nourishment.

Sadly, we learned earlier this summer that Rachel has decided to close business, for her own reasons, which leaves us in need of a daycare provider again. The options are incredibly limited for children under 2. In fact, we didn't realize how extreme the childcare 'drought' was until someone expressed the ratio of baby/childcare slot is nearly 20/1!

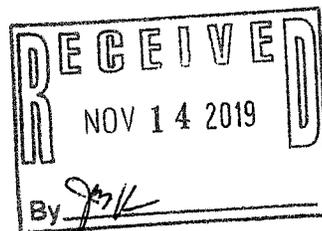
We understand that *Socci Galvez*, owner of Blossom's Preschool in Parkdale, and her husband are working tirelessly to open a new infant care facility in Hood River. We have been involved and informed as the process has been progressing. Any extra attention that could be made to permitting her facility would be GREATLY appreciated. We are really pushing to have a daycare solution for the first week of January 2020. Otherwise, either my husband or I will need to take a large chunk of time off work to care for our son.

Everyone can agree that a new infant focused daycare would be an incredible asset to the economic and overall growth of the Hood River community! Please, reach out if there is anything at all, we as parents, can do to help push this along.

Thank you and Happy Holiday Season!  
Emily



**Emily Perkins**  
207-660-7749  
emilybe88@gmail.com



File No. 2019-41  
Attachment "D1"



To the City of Hood River,  
Land use application approval Staff,  
Attn: Jennifer,

I am writing to express my support for Socci Galvez and her land use application permit for a proposed new childcare in Hood River. As the parent of a young child (our son will turn 2 in November of 2019), we struggled to find infant care for him when I needed to return to work after his birth. The number of facilities in Hood River that will accept children under the age of two is very limited, as well as finding a full-time spot even for an older child. There is a great shortage of care for infants in Hood River and the closure of Rachel's Corner leaves a void for all the families who currently rely on them and new families with young children being born.

We hope that the city will approve and expediently handle the land use application and any other needed items for this new childcare to be able to be open as soon as possible. As two working and employed parents and citizens of Hood River, my husband and I are counting on this new center being opened in order to maintain our jobs and other responsibilities.

Sincerely,

Holly Tencer

A handwritten signature in cursive script that reads "Holly Tencer". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Chris Boston

A handwritten signature in cursive script that reads "Chris Boston". The signature is written in black ink and is more compact than the signature above it.

File No. 2019-41  
Attachment "D2"

Received 12/2/19

1560 5<sup>th</sup> Street  
Hood River, OR 97031

November 26, 2019

To whom it may concern:

We are writing in support of Socci Galvez's efforts to open a new daycare in the city of Hood River. We appreciate your prompt attention due to the time sensitive nature of this issue.

We found out in August that our daughter's daycare is closing at the end of the calendar year. We have used Oregon's 211 childcare registry and contacted multiple places to look for a new childcare provider, but unfortunately, we have only been placed on wait lists. If Socci is not able to open at the beginning of 2020, I (Stephanie) will likely need to quit my job due to our lack of childcare.

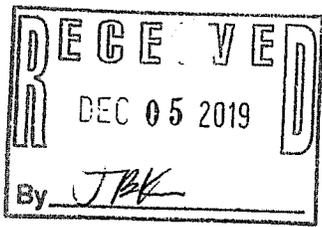
We also want you to know that we are confident in the providers that Socci is hiring to work at her facility. They all care for our daughter at her current daycare location and we are thrilled that they will continue to do so at Socci's new center. This stability in caregivers will help this transition be as smooth as possible for our daughter and the other families affected by this change.

Thank you for your assistance in processing Socci's applications.

Sincerely,

Two handwritten signatures in black ink. The first signature is on the left and the second is on the right, separated by a small vertical line.

Stephanie & Ryan Hepburn  
S: 406-546-8329  
R: 406-370-1621



City of Hood River  
Planning Department  
12/05/2019

Jennifer Kaden, Planner,

In reference to your letter, sent to the home owners in "The Bowe Addition," dated 11/26/2019. Please consider the reasons we do not want to have a large day care business in our neighborhood.

- ① Increase in traffic, the day care is allowed to have sixteen (16) children in the home. That means 16 cars twice daily, coming and going dropping off children!
- ② The house is too small!
- ③ The piece of property is too small!
- ④ The Homeowners Association by-laws stipulates that a homeowner cannot operate and run a business in the Bowe Addition!
- ⑤ The homeowners would like our neighborhood to stay quiet and not be overrun by more noise and more traffic brought on by allowing a business such as a Day Care Facility.

Sincerely,  
Velma L. Budworth  
766 Park Place Loop

## Jennifer Kaden

---

**From:** Dawn Elle <dgelle71@gmail.com>  
**Sent:** Thursday, December 5, 2019 3:47 PM  
**To:** Jennifer Kaden  
**Subject:** File#2019-41. Application for day care

Code17.04.100. Application for a family day care ....seems to violate most of the criteria listed.....notably noise, parking ,being a business ,character of dwelling....

Etc.

I question education and training of the occupant and assistant....16 children need more than two adults...  
Liability insurance availability.

Access for emergency vehicles ....

Does the operation of a day care in neighborhood lower property values?

For me these are just comments. I am not against the use of the house for a proposed day care facility as long as state licensing and supervision by child care authorities are met. Dawn Elle. I live across the street.

File No. 2019-41  
Attachment "D5"

## Jennifer Kaden

---

**From:** Dawn Elle <dgelle71@gmail.com>  
**Sent:** Friday, December 6, 2019 7:59 AM  
**To:** Jennifer Kaden  
**Subject:** File no. 2019-41

Jennifer. Another comment re daycare in neighborhood. And home owner codes etc. I believe a precedent has been set by allowing another daycare to exist in neighborhood for the last three years. Even though it is considered in the county. She has a license and her daycare is very well run and supervised by child care authorities. Thank you. Dawn elle

December 5, 2019

To: Hood River Planning Department  
From: Christine Ohgren  
778 St. Charles Place  
Hood River, Or

Subject: File No. 2019-41  
764 Park Place Loop  
Hood River, Or  
Daycare Application for care of 16 children

Dear Planning Department,

Thank you for the opportunity to comment.

A daycare facility for 16 children is a commercial scale enterprise. It would surely require at least 4 adults to properly supervise an operation of that size given the floor plan of a residential house.

The houses in this neighborhood are fairly small and are built as family residences so they consist of floor plans that include many small rooms. This is not an appropriate or safe setting for 16 children.

The applicants should instead be encouraged to find a building with a few large rooms and commercial scale restrooms, so that all the children in their charge can be safely monitored at all times.

Given, the recent and tragic events in the local daycare community, it is clear that regulators are stretched thin. Therefore, the application process is the first and best opportunity to proactively create safe and worthwhile daycare in Hood River.

I trust the Planning Department will reject this application as the residential site proposed is clearly a bad and unsafe choice for a 16 child commercial scale daycare business.

The scale of the application (16 children plus daycare workers) also requires consideration of the impact of a commercial scale business on a residential neighborhood.

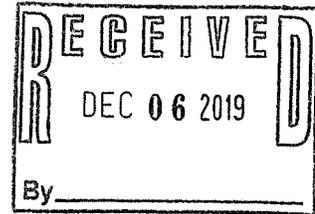
That said, I hope the Planning Department will provide the applicants with encouragement to find a commercial setting where they could pursue a business at the scale proposed in their application.

Thank you.  
Sincerely,  
Christine Ohgren



File No. 2019-41  
Attachment "D6"

City of Hood River Planning Department  
211 2<sup>nd</sup> Street  
Hood River, OR 970031



Sandy Kirkland  
756 Park Place Loop  
Hood River, OR 97031

RE: Home Occupation application to establish a Family Day Care for up to 16 children

File No: 2019-41      764 Park Place Loop

To Whom it may concern:

I am a homeowner residing on the street of the above proposed day care. I do not dispute that small residence neighborhood daycare is beneficial to young families. However, **please deny permitting for the proposed facility on Park Place Loop due, in part, to the following concerns.**

**There is already a small neighborhood day care operating within 250 feet of the proposed day care.** It creates neighborhood congestion for HOA residents for a few hours each day. Residents near the existing day care overlook the nuisance factor because it services a small number of children, and they share neighborly friendship with the long term resident homeowner who runs the daycare. However, the proposed business will add significantly more congestion in the same area of Park Place Loop for up to 3.5 hours daily, potentially creating unsafe conditions for HOA residents living in the immediate area.

More importantly, the Bowe Addition's CC&Rs clearly state the purpose of all property is residential, single family use. The property in question was purchased for the explicit intent of opening a large daycare business, and even if it meets the requirements for R2 zoning, it does not meet the HOA purpose. **I understand that the city planning committee may not be concerned about HOA restrictions. But, the state of Oregon upholds the legal power of HOAs and CC&Rs. Please refer to the Oregon State legislature, ORS 94.777 and ORS 94.780 regarding planned communities and homeowners associations, which plainly state that "each owner shall comply with the CC&Rs in the deed to the lot. Failure to comply shall be grounds for action by the HOA or an aggrieved owner. Failure of any association member subject to OR 94.550-94.783 to comply shall be cause for suit or action to remedy the violation. The prevailing party is entitled to reasonable attorney fees and court costs."** I implore the city to deny permitting for this daycare; but if not, the new owner is still bound to abide by the legal CC&R contract. Avenues to legally amend the CC&Rs are set out in the document and may be pursued by the new homeowners. Sadly, homeowners may pursue action against the new homeowners if they do not.

File No. 2019-41  
Attachment "D7"

Thank you for the time you devote in consideration of all facts and conditions in this matter.

Sincerely,

Sandy Kirkland

A handwritten signature in cursive script that reads "S. Kirkland". The signature is written in black ink and is positioned to the right of the typed name "Sandy Kirkland".

Attachments:

RE: File No: 2019-41 Proposed daycare at 764 Park Place Loop

1. Copy of Bowe Addition CC&R Articles VIII –IX regarding property use and homeowners' rights
2. Article by Business Attorney, Kelly G. Richardson, regarding conflict between public law and the contract law of CC&Rs
3. Copy of letter from new property owner, Socci Galvez

Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

Section 4. Weatherproofing. Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole cost of furnishing the necessary protection against such elements.

Section 5. Right to Contribution Runs With Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 6. Arbitration. In the event of any dispute arising concerning a party wall, or under the provisions of this Article, each party shall choose one arbitrator, and such arbitrators shall choose one additional arbitrator, and the decision shall be by a majority of all the arbitrators.

Article VII

EXTERIOR MAINTENANCE

In the event an owner of any Lot in the Properties shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors, the Association, after approval by two-thirds (2/3) vote of the Board of Directors, shall have the right, through its agents and employees, to enter upon said parcel and to repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject.

Article VIII

USE RESTRICTIONS AND EASEMENTS

~~No lot shall be used for any purpose other than residential and no building shall be erected, altered, placed or permitted to remain on any lot other than one detached, single-family dwelling, not to exceed two stories in height. All structures shall conform to the building code requirements of Hood River County, Oregon, and subject to Article V herein. No tents, shacks, trailers, or garages shall be occupied as live-in quarters on premises prior to or following completion of the permanent or main dwelling on any lot, to the end that the main~~

dwelling shall be first constructed.

Each and every dwelling house to be erected on a lot or lots in said subdivision shall be provided with not less than one off-street parking space and access driveway. All such parking spaces and access driveways shall be covered with a hard, dust-free, paved surface.

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. ★

No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purposes.

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean, sanitary condition.

There are hereby reserved for the purpose of installing and maintaining municipal and public utility facilities and for such other purposes incidental to the development of the property the easements shown upon the plat of Bowe Addition, as recorded or will be recorded in the public records of Hood River County, Oregon. All claims for damages, if any, arising out of construction, maintenance and repair of utilities or on account of temporary or other inconvenience caused thereby against declarant, or any utility company or municipality, or any of its agents or servants are hereby waived by the owners.

Access to each and every dwelling house in said subdivision with the exception of Lots 23 and 24 shall be limited to Boardwalk or St. Charles as shown upon the plat of Bowe Addition, as recorded in the public records of Hood River County, Oregon. No access to said dwelling houses shall be available from boundary streets outside the subdivision. Lots 23 and 24 will share a common driveway.

The conveyance of each and every lot in said addition shall be conditioned upon the owners' execution of such waivers of remonstrance and consents to annexation as may be required by the City of Hood River. Present, as well as future owners of Lots 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 and 39 are herewith specifically charged with the duties to execute such waivers of remonstrance in favor of the City of Hood River as may be required from time to time for improvements made to Belmont Drive.

Article IX

GENERAL PROVISIONS

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provisions which shall remain in full force and effect.

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent. (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent. (75%) of the Lot Owners. Any amendment must be recorded.

Section 4. Annexation. Additional residential property and Common Area may be annexed to the Properties with the consent of two-thirds (2/3) of each class of members.

Section 5. Nothing contained in this declaration shall be construed to prevent the erection or maintenance by the declarant or its duly authorized agent of structures or signs for the conduct of its business in connection with the subdivision while the same, or any part thereof, is owned by declarant.

IN WITNESS Whereof, the undersigned, being the Declarant herein, has hereunto set its hand and seal this 25 day of Feb, 1991.

M.L.C. Enterprises  
Declarant

By [Signature]



2

Article reported in The Press-Enterprise newspaper by business attorney,  
Kelly G. Richardson | Kelly@RichardsonOber.com | Contributing Columnist  
December 20, 2016 at 4:41 pm

**Q. Recently, we have had issues with projects and proposed projects that involve city regulations versus CC&R restrictions. Our board seems to think that the requirements in our CC&Rs are unenforceable if the city has already approved the projects. I contend that the CC&Rs must be met as well as city requirements, with the more restrictive (usually) CC&Rs having the greater legal power (for lack of a better word).**

Please share any information you have about this.

– J.D., Solana Beach

**A.** Your CC&Rs and governing documents are private restrictions governing your community. By becoming an owner in the community each member automatically becomes part of an agreement to live by those restrictions. Similarly, by moving into the municipality of Solana Beach, each owner also becomes subject to the laws and ordinances of the city, in addition to other applicable county, state and federal laws. The law of the CC&Rs is based in contract, while the law of the governmental authorities is public law. HOA members must heed both.

To the residence of Park Place Loop,

My name is Socci Galvez and my husband and I are the new owners of 764 Park Place Loop.

It has come to our attention that there are some concerns amongst the neighborhood about starting childcare in the home. We would love to address those worries as soon as possible with those who are willing to share. Here is a detailed plan of how we intend for the childcare to be run.

- Lynette Barajas, the one who will be living there, will be doing childcare as part of her income in the home for children from 3 months to right under 3 years old. She will be licensed by the state and will follow all requirements and regulations.
- The number of children present per day will be 12 to 16 per day, with an assistant and on call substitute in case some gets sick.
- Our plan is to provide childcare between 7:30am to 5:00pm, Monday through Friday, with only quick drop-off and pick-up periods. Drop off time is from 7:30am-9:00am, while pick up is from 3:00pm-5:00pm. This is set in place for limiting traffic on Park Place and to be considerate to the neighbors. This is a year round childcare. During the school year, we will follow the school district calendar for holidays, breaks, etc.
- 70% of the childcare will be indoors with the exception of walking to the park in small groups when it is nice out, and children playing in the property's backyard.
- There will absolutely be no advertisements or signs of any kind for the childcare outside of the house or in the yard.
- The driveway will be open for parents to drop-off and pick up their child quickly to avoid parking in the street most of the time. Parents will be notified and reminded of this as well.
- It is our priority to keep the dwelling clean and presentable to meet the standards of the neighborhood.

My husband and I would love to know what specific concerns you have regarding the childcare.

Our overall goal is not to upset or concern anyone, but to provide high-quality childcare in a high-quality environment for families who need it. In town there are currently very few, if any, options for families with young children who work part-time or full-time. Parents are looking to find trustworthy adults to watch out for their children while they do their best to provide for their families. We only want to support them.

We look forward to hear from you and we can only hope that with time you will support what we are trying to do for our community.

Best,

Socci and Uzi Galvez

## Jennifer Kaden

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**From:** Renee and Jack Miller <jrm@gorge.net>  
**Sent:** Saturday, December 7, 2019 3:26 PM  
**To:** Jennifer Kaden  
**Subject:** File #2019-41

12/7/19

Reference to File 2019-41; Socorro Galvez

Hi Jennifer and Hood River Planning Dept.

I'm the owner of 759 Park Place Loop and have been since 2006. Although it is a rental, I do feel a responsibility to the tenants who are seniors, grew up in the Gorge have been living on Park Place Lp for six years.

I have no doubt there is likely a need for day care in Hood River—I get it.

If the applicant was a stay at home parent and wanted to supplement their income by having four or five kids in their house as day care—no problem.

The applicant in this case lives and owns a house in a different neighborhood and already runs a successful pre-school (Pine Grove school) with approx. forty kids. Given this fact, I see this as an application of "business for profit".

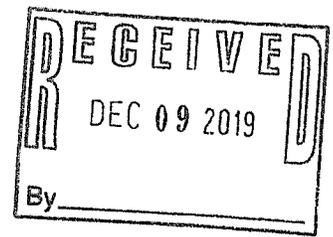
The question is: is this an appropriate place for "business" that will require a full time staff of 3 or 4 and up to an additional 16 cars twice a day coming and going.

My answer is; NO, in this case it's not right or fair to the neighbors.

Thank you,

Jack Miller

Jennifer Kaden, Planner  
City of Hood River Planning Department  
211 2<sup>nd</sup> Street  
Hood River, OR 97031



December 7, 2019

Dear Jennifer:

The most recent meeting of the Bowe Addition Homeowners was held on 12-7-2019 and attended by 15 homeowners. The purpose of the meeting was to discuss the proposed daycare at 764 Park Place Loop, Hood River.

The group was in agreement that child care is needed in the Hood River area. However, the following concerns were expressed:

1. Size of day care.
2. Parking – this is a major concern with 10 – 16 more cars on a daily basis.
  - a. Where will parents park? The owner states “in the driveway” but we understand that young children need time to transition and parents will need to take 10-15 minutes at drop off and pick up.
  - b. Where will staff park? With 3-4 additional staff, we are concerned they will not be able to park on the property.
  - c. Mailboxes cannot be blocked or mail will not be delivered. This is already an issue.
  - d. Driveways cannot be blocked – this is already an issue and homeowners have been inconvenienced.
  - e. Local residents already park on the street, leaving little room for additional cars.
3. Traffic – increased traffic on Park Place Loop and St. Charles Place.
4. Safety – various concerns with increased congestion.
  - a. Access for emergency vehicles.
  - b. Children in the neighborhood walking to the “common area”.
  - c. Children in the neighborhood walking to and from school.
  - d. Young children (under age 3) walking from day care to the “common area”.
5. Current ordinances –
  - a. Non-compliance to Bowe Addition HOA declaration of CC&R’s. (Oregon State Legislature: ORS 94.777, ORS 94.780.)
  - b. Not a “home occupation” as owners do not live on the premises but are running a for profit business. (City Code 04.100)
  - c. This will violate the following in City Code – no more than one assistant shall be on the site, no increase in noise outside the dwelling, and only minor increase in traffic to and from the dwelling unit.

File No. 2019-41  
Attachment "D9"

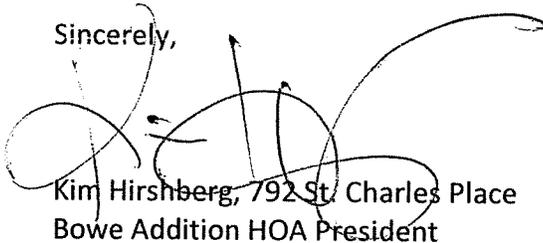
6. Other Concerns:

- a. Potential devaluation of property.
- b. Potential Liability for homeowners in the HOA when a business uses our "common area".
- c. Quality of Life – increased noise, number of cars, traffic, parking and safety.

The Bowe Addition HOA is a welcoming neighborhood, who welcome families from all over the country. Many of our current homeowners personally know the new homeowners and welcome them.

We are all in support of daycare, but not under these conditions.

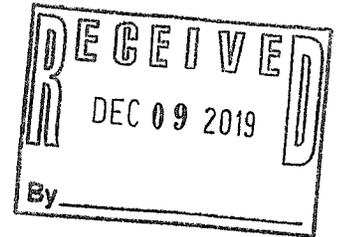
Sincerely,

A handwritten signature in black ink, appearing to read 'Kim Hirshberg', with a large, sweeping flourish extending to the right.

Kim Hirshberg, 792 St. Charles Place  
Bowe Addition HOA President

Residents in Attendance:

Lisa Wish, 784 St. Charles Place  
Mark Whittier, 784 St. Charles Place  
Sandy Kirkland, 756 Park Place Loop  
Bob Sharkey, 777 St. Charles Place  
Susan Donnelly, 777 St. Charles Place  
Jaqueline Roeske, 782 St. Charles Place  
Velma Budworth, 766 Park Place Loop  
Dawn Elle, 3653 Park Place Loop  
Judie Hanel, 760 Park Place Loop  
Sunnie Turek, 761 Park Place Loop  
Ruth Cannon, 791 St. Charles Place  
Julie Dosier, 780 St. Charles Place  
Lori Pillette, 766 Park Place Loop



December 7, 2019

To: Jennifer Kaden, Planner, City of Hood River

Re: Proposed Childcare Business in a Residential Neighborhood  
764 Park Place Loop, Hood River, Oregon

Dear Ms. Kaden,

My name is Julie Dosier, and my family and I reside at 780 St. Charles Place Road. Our home is at the corner of Park Place Loop and St. Charles Place. We moved to the neighborhood four years ago, choosing this particular neighborhood for several reasons, not the least of which being quality of life. Regarding the proposed childcare business, my family has thoughtfully discussed this possibility. Many concerns were discussed at our dinner table. I will be brief, and list which of these concerns our family the most:

- Increased traffic and very limited parking. There is a residential childcare facility currently operated in this neighborhood already, literally within feet of the proposed facility. In a letter distributed to the neighborhood from the owners of the home, a tenant is establishing this business for 12-16 children under the age of 3 years old. That is 12-16 additional vehicles twice a day dropping off and picking up, added to the increased traffic already moving through a residential neighborhood from the existing childcare facility. Where will employees park? Parents? Having raised 2 daughters, dropping off a young child is not always easy, or quick.
- Liability issues. The owner states in her letter that the tenant plans to walk to the neighborhood park, or common space, as it is referred to in the Bowe Addition CC&R's, in small groups when the weather is nice. What are the implications to the homeowners if a child is injured while playing in the park, for which we all, as homeowners, share by living in this neighborhood and through paying our yearly dues.
- Quality of life. We cherish this neighborhood, and moved here in part, because of the CC&R's that were put in place to keep the homes within the Bowe Addition single family dwellings. We walk the neighborhood, we use the common space. We are a community within the larger Hood River community we call home. If there is a need for childcare options, the time is at hand to discuss where, and how this growing need should be addressed and fulfilled, without changing the residential neighborhood.

In closing, our family is respectfully requesting that the City of Hood River reconsider permitting this business establishment in a residential neighborhood. A review of the Bowe Addition CC&R's clearly state as such. The increased traffic, liability issues, and current neighborhood single family residents quality of living should all be taken into the utmost consideration.

Sincerely, Julie and John Dosier, 780 St. Charles Place Road

File No. 2019-41  
Attachment "D10"

December 8, 2019

Jennifer Kaden  
Planner  
City of Hood River Planning Department  
211 2<sup>nd</sup> Street  
Hood River, OR 97031



Jennifer,

We are sending this letter in opposition to the application submitted to the City (file no. 2019-41) for a home occupation application to establish a family day care for up to 16 children at 764 Park Place Loop, which is within the Bowe Addition and is zoned R-2.

The Bowe Addition Homeowners Association has sent a letter outlining its concerns with the application, which we are in agreement with. The size of the day care, parking issues, increased traffic and associated safety concerns, liability when a business uses the "common area," and violation of the covenants that all who purchase property with the Bowe Addition are all concerns that we share.

Our letter wishes to emphasize our particular concerns with the application:

- 1) Article VIII of the Declaration of Covenants, Conditions, and Restrictions for properties within the Bowe Addition that was amended in 1991 states in its first sentence that "No lot shall be used for any purpose other than residential..." In our opinion, those first words of the article make it clear lots within this subdivision were never intended to be used for any kind of business operation. Our read of the covenants does not offer any exceptions for any kind of business, regardless of how well intentioned it may be. Allowing this could open the door to other kinds of business uses of properties within the subdivision.
- 2) Our property (782 St. Charles Place) is backed by the "common area" that was required to be installed when the subdivision was originally permitted. This is not a public park, but for the use of residents of the Bowe Addition. I am very concerned about the additional liability the homeowners' association may face with heavier use by clients of a business, along with the impact of that use, in particular noise, on our enjoyment of our home.
- 3) Even though we are not adjacent to the property listed on the application, we are concerned with the impact of additional traffic coming through our neighborhood. We have seen the impact on traffic and parking in the neighborhood when contractors are brought in for various work on property improvements. This would bring those kind of parking issues on a permanent basis, impacting the quality of life in the neighborhood.

While we are empathetic with the need for day care in the area, that is not the issue here. This is a land use issue, and the granting of this application would not comply with the CCR's of the Bowe Addition Homeowners Association, and as outlined in the letter submitted by the HOA President, in violation of municipal codes for "home occupation," along with regulations calling for no more than one assistant on site, no increase in noise outside the dwelling, and only a minor increase in traffic to and from the dwelling.

File No. 2019-41  
Attachment "D11"

In addition, we wish to be added to any mailing list for notifications in regards to this application.

Sincerely,

*Mark W Bailey Jacqueline D Roeske*

Mark Bailey & Jacqueline Roeske  
782 St. Charles Place Road  
Hood River, OR 97031  
Ph: 541-386-2163  
Email: [markbailey@centurylink.net](mailto:markbailey@centurylink.net)

Received 12/9/19

December 8, 2019

Jennifer Kaden  
City of Hood River Planning Department  
211 2<sup>nd</sup> St  
Hood River, OR 97031

Dear Ms Kaden,

We are writing to you concerning the proposed daycare at 764 Park Place Loop, Hood River. We are aware of the urgent need for affordable, quality childcare. We do not support this proposal for the following reasons:

1. Congestion and Safety concerns
  - a. Where will staff park?
  - b. Where will families park during drop off and pick up?
  - c. How will this small neighborhood handle this additional traffic and congestion?

On any given day there are numerous cars already parked on the street. These cars belong to existing homeowners and their guests. Our neighbors on Park Place Loop already complain that their driveways and mailboxes are blocked. Now add 10-20 more cars. This added congestion and traffic is a serious safety hazard and certainly will diminish the ability of the residents to access their homes. This also raises concerns for the children who live in the neighborhood walking to and from school or to visit a friend.

The new owners will not be residents of the house and will not be directly affected. They claim they will tell parents to be quick... we are talking about leaving children under the age of three at daycare. This is not a "quick" process. Most parents allow 10-20 minutes extra at drop off and pick up to allow their children a smooth and comforting transition. A quality daycare would encourage parents to support their children during these transitions as well as develop relationships with caregivers which occur during these times.

2. Violation of various codes. As the owners do not live in the house, this daycare is a "for profit" business (City Code 04.100) and would also violate several city codes regarding Home Occupation, number of staff, noise, and disruption by traffic. In addition, this violates the Bowe Addition HOA declaration of CC&R's.

We believe that the development of affordable, quality childcare should be a planning priority for the City of Hood River. This particular daycare does not appear to have been a part of a thoughtful process. We support daycare, but not under these conditions. We urge you to deny this request.

Respectfully,

*Susan Donnelly*

*Robert W. Sharkey*

Susan Donnelly & Robert Sharkey  
777 St Charles Place  
Hood River, OR 97031

File No. 2019-41  
Attachment "D12"

Sunnie Turek

761 Park Place Loop

Hood River, OR 97031

Sunniesandra@gmail.com

503-851-6690



Dear The City of Hood River Planning Department,

It has come to our attention that a property on our street was recently purchased with the intention of becoming a day care facility.

I'd like to preface my comments with the fact that I understand our city's urgently needs for daycare facilities; as a working mother of a toddler, I have recently tackled that struggle myself. However, I have concerns about the legality and traffic impacts of a daycare operation on Park Place Loop within the Bowe Homeowners' Association.

Every property within the HOA is attached to CCNR laws. The CCNRs state that "No lot should be used for any purpose other than a residential" (Article VIII). The State of Oregon protects these laws in legislation 94.777 (Compliance with Bylaws of Homeowner's Associations) when it states "Each owner and the declarant shall comply with the bylaws, and with the administrative rules and regulations adopted pursuant thereto, and with the covenants, conditions and restrictions in the declaration or in the deed to the lot." **Therefore, the Bowe Addition's CCNRs do not allow a home to be used for commercial purposes, and those laws are protected by Oregon State laws.** The neighborhood CCNRs are attached to every lot, regardless of sale or purchase of properties.

When we purchased the home, we understood that we must agree to follow the CCNRs that are attached to the lot. I believe that the recent purchasers of 764 Park Place Loop erred when purchasing the property with the intention of creating a commercial operation.

In addition to the legal implications, I am also very concerned about the increased traffic resulting from such a large daycare operating on our street. Fewer than ten homes are accessible through Park Place Loop, which allows for a very quiet, low traffic street. The quiet street was a major attraction when we purchased the home with intentions to start a family. A daycare serving 16 children will increase the traffic by at least 30 cars per day, which is very substantial. With the increased traffic and blind corners of Park Place Loop, I will not be able to comfortably allow my children to ride bikes in the street anymore.

In conclusion, we chose to purchase our home in this neighborhood because the neighborhood's character is protected by the HOA, and Park Place Loop has very little traffic, which is desirable for

raising young children. I am gravely concerned about a large daycare on Park Place Loop. I ask you to please consider my grievances when addressing the recent application.

Thank you for your time and consideration,

Sunnie Turek

## Jennifer Kaden

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**From:** Annika Cardwell  
**Sent:** Monday, December 9, 2019 8:36 AM  
**To:** Jennifer Kaden; Dustin Nilsen  
**Subject:** FW: Contact Us From Website: <br/> Planning & Zoning<br/>

Good morning, Jennifer. Not sure if Kevin forwarded this email to you or not.

**From:** Kim Paulk <kim.paulk@co.hood-river.or.us>  
**Sent:** Friday, December 6, 2019 4:02 PM  
**To:** Annika Cardwell <A.Cardwell@cityofhoodriver.gov>; Kevin Liburdy <K.Liburdy@cityofhoodriver.gov>  
**Subject:** FW: Contact Us From Website: <br/> Planning & Zoning<br/>

Hi I believe this one is within the awesome City of Hood River and not the County. See comment below.

Kim Paulk, Office Manager  
Hood River County Community Development  
601 State Street - Hood River, OR 97031  
541-387-6840

**From:** Contact Us From Website <beegee541@wmconnect.com>  
**Sent:** Friday, December 06, 2019 3:29 PM  
**To:** plan dept <plan.dept@co.hood-river.or.us>  
**Subject:** Contact Us From Website: <br/> Planning & Zoning<br/>

**First Name:** Bonita Jo

**Last Name:** Brackman

**Email:** [beegee541@wmconnect.com](mailto:beegee541@wmconnect.com)

**Message:** As owner of address Listed. I absolutely disagree with proposed "Child Day Care Business" at 764 Park Place Loop"; for the following reasons: 1.) Proposed Business in Residential Zone, 2.) Residential dwellings structure used as a business. 3.), 4.).Small lots to accommodate "Day Care Business", housing 12 to 16 children five days Mon thru Fri 7:30am-5:00pm., 5.) Owners of 764 Park Place Loop, names are MR. and Socci Galvez. Mrs. Socci owner, wrote a letter, and distributed to "Bowe" Addition Residences, which I received Dec 5. Mrs. Socci's letter outlined that Ms. Lynette Barajas is responsible for managing the "Day Care Center" business; to include Ms. Barajas' "Day Care work responsibilities, to cover part of Ms. Barajas' salary. Unfortunately, I am unable to attend Bowe addition meeting scheduled for December 7, and disagree with allowing a business in a Residential Zone that will function as a business.

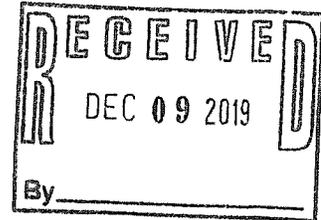
**Inquiry Type:**  
Planning & Zoning

**Home Address:**

**Phone Number:** 541-386-4781

File No. 2019-41  
Attachment "D14"

Susan and Dale Price  
797 St. Charles Pl. Road  
Hood River, OR 97031



Jennifer Kaden, Planner  
City of Hood River Planning Department 211 2<sup>nd</sup> Street  
Hood River, OR 97031

December 9, 2019

Dear Jennifer:

We recently returned from a vacation, only to find that during our absence, there had been an application for a daycare center at 764 Park Place Loop.

Although we have only lived in Hood River for a year and a half, one of the selling points about our house on St. Charles Place was the CC&R's the *specifically* prohibit a business such as this in the Bowe Addition (Oregon State Legislature: ORS 94.777, ORS 94.780.). I will quote the first line of Article VIII - Use Restrictions and Easements

*"No lot shall be used for any purpose other than residential and no building shall be erected, altered, ...."*

Clearly, this restricts that house from becoming a house for a business such as a daycare, where the owners of the house are not even residents!

We would like to protest this application and hope that you decline this application as it clearly does NOT conform to the CC&R's set out by the Bowe Addition Home Owners Association.

Sincerely,

File No. 2019-41  
Attachment "D15"

A handwritten signature in cursive script that reads "Dale Price".

Dale Price

A handwritten signature in cursive script that reads "Susan Price".

Susan Price

## Jennifer Kaden

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**From:** L Pillette <ynotpray@yahoo.com>  
**Sent:** Monday, December 9, 2019 3:33 PM  
**To:** Jennifer Kaden  
**Subject:** ANOTHER Bowe Addition DayCare

REASONS WE OPPOSE ANOTHER DAY CARE:

TRAFFIC, ALREADY LIMITED PARKING, NOISE, AGAINST CC&Rs, YET TO SEE "QUICK DROP OFFS & PICK UPS.

We have had our driveway blocked "be right back", car alarms set off upon arrival and departure. Children "wandering" (as mom is already carrying a child). Kids cry being left as well as picked up and if fighting. Laura does well letting the children express themselves and generally keeps them quiet.

This new daycare is also located 2 TWO homes on the opposite side of our "family dwelling" and 1 rental (NEVER USED AS A BUSINESS)!

We hope to retire soon and currently plan to live here until where WE decide where to relocate and are hoping our home VALUE will NOT DROP!

ALSO, how can 16 children realistically stay in a "FAMILY DWELLING"? These homes are 3 bedrooms 2 bath with small yards! NOT EQUIPPED FOR ADDITIONAL NUMBERS OR TRAFFIC. We all share the extra parking and the park as well as pay for liability.

The current daycare (driveway is always used with the owners as well as the front parking area.) I presume she is too busy with children to also supervise parking.

Please refer to the CCRs and respond. Also seems like a realtor did not mention this before sale?

Please don't say this daycare will be better as we already have "heard it all." Legal or Not?

Also,  
"BEST"

Lori & Brian Pillette

Sent from my iPhone

## Jennifer Kaden

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**From:** Gary McFarlen <garymc@mcfarlen.com>  
**Sent:** Monday, December 9, 2019 6:31 PM  
**To:** Jennifer Kaden  
**Subject:** RE: Bowe addition questions

Jennifer,

Thank you for taking the time to respond. This information is helpful. I know there is much interest in the situation and we are just trying to ascertain relevant accurate information. I and a number of others believe the reason we accepted CC&Rs with our property was to protect our neighborhood from establishment of businesses, among other reasons. While this entity may technically meet the appropriate description for a Family Day Care facility, it will be operated as a business in a residential neighborhood. It will also be within 200' of an existing Day Care facility. I believe the planned use of this home will preclude it from being insured as a residence. The application should not include the HOA green space to satisfy its recreational space requirements. This is not City or County property, but belongs to the HOA and its use.

I am hopeful that a traffic analysis has been done. Between the new facility, employees, existing day care facility, homeowners and facility clients, there will be twenty to thirty cars twice a day, congesting Park Place Loop. The proposed handling of drop-off and pick-up of children does not appear to comply with the state requirements. All existing residential homeowner's have the right to timely access and park at their properties, receive their mail and garbage service. And speaking of garbage service, the facility will not be able to comply with regulations which prescribe weekly pick up. Waste Management only picks up garbage every other week. It is doubtful the facility will be able to contain their garbage in a single residential size container. Petitioning for additional capacity will confirm business use. Improper disposal and the attendant odors would be unacceptable.

We consider ourselves to be a welcoming, inclusive neighborhood and we accept and invite new neighbors. We also know of extreme need for this type of facility in Hood River. However, our new neighbors are not looking to live amongst us, but put a business in our midst. They can potentially generate \$30,000 of fees per month, with little or no obligation to us and indifference to the disruption of our small residential community. I do not know where any of decision makers live, but would they permit two day care facilities at such close proximity in their neighborhood?

Thank you again for your patience and attention to these concerns.

Gary McFarlen  
756 Park Place Loop  
[garymc@mcfarlen.com](mailto:garymc@mcfarlen.com)  
254.300.7200

 Please consider the environment before printing this e-mail

**From:** Jennifer Kaden [mailto:[J.Kaden@cityofhoodriver.gov](mailto:J.Kaden@cityofhoodriver.gov)]  
**Sent:** Monday, December 09, 2019 3:25 PM  
**To:** Gary McFarlen <garymc@mcfarlen.com>  
**Subject:** RE: Bowe addition questions

Gary –

There was no zone change associated with the two annexation applications in 2016 (Files No. 2016-48 and 2016-50). I'm not aware that the Bowe Addition subdivision was ever zoned R-1. The properties in the Bowe Addition that were annexed went from a County R-2 zone (UR-2) to a City R-2 zone (R-2). This map illustrates the current zoning of the neighborhood, with the dashed blue line representing the city limits:



With respect to Family Day Care, there was no real change. A Family Day Care is a permitted use in the R-2 zone both in the City and in Hood River County (it is also a permitted use in the City and County R-1 zones). The only change was to the jurisdiction for processing land use permits.

Notification of the annexation application was mailed to all affected property owners. In addition, general information was mailed to property owners that included this information about zoning:

**12. Will the zoning on my property change when I am annexed? If so, how will the City's zoning regulations for my property differ from the County's?**

The zoning will remain the same on all properties annexed into the City. The City reviewed the original subdivision and all building permits. There have likely been some code revisions since the houses were constructed that will affect future development (i.e. Maximum lot coverage, building height).

I can make the annexation files available for your review in the office if you would like.

Please let me know if you have additional questions.

Regards,

Jennifer Ball Kaden Associate Planner  
 City of Hood River cityofhoodriver.gov  
 211 2<sup>nd</sup> 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:** Gary McFarlen <[garymc@mcfarlen.com](mailto:garymc@mcfarlen.com)>  
**Sent:** Friday, December 6, 2019 9:58 AM  
**To:** Jennifer Kaden <[J.Kaden@cityofhoodriver.gov](mailto:J.Kaden@cityofhoodriver.gov)>  
**Subject:** Bowe addition questions

Good morning Jennfer!

I am hoping you can help me with a couple of questions. When the city annexed portions of the Bowe addition to facilitate the developers of Barrel Springs, etc. those properties were rezoned from R-1 to R-2. Is this automatic, or was this done at the developer or someone's request? What type of notification were provided to the owners of those properties for these changes and the potential implication to property rights and uses? Is there a map of the zoning that is currently in effect for the properties on St. Charles Place and Park Place Loop? Thank you for your patience and assistance.

Gary McFarlen  
[garymc@mcfarlen.com](mailto:garymc@mcfarlen.com)  
254.300.7200

 Please consider the environment before printing this e-mail

## Jennifer Kaden

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**From:** Preston Brown <prbrown@vt.edu>  
**Sent:** Monday, December 9, 2019 10:08 PM  
**To:** Jennifer Kaden  
**Subject:** Written Testimony regarding File No. 2019-41

Dear Ms. Kaden,

Please accept this written testimony in regards to File No. 2019-41: Home Occupation application to establish a Family Day Care for up to 16 children at 764 Park Place Loop, Hood River.

While I acknowledge that there is a need for affordable day care options in Hood River County, I strongly oppose the establishment of a day care facility at 764 Park Place Loop based on a number of concerns and legal issues. These include:

1. **It is illegal for a residence in the HOA to be used for commercial purposes based on CCNR laws**
2. A significant increase in thru traffic on Park Place Loop
3. The depreciation of homes in the neighborhood
4. Increased HOA costs

**1. CCNR:** It is my understanding that the residence at 764 Park Place Loop will not be inhabited by the owners but rather used solely during the day for a day care facility, which is a commercial purpose. The CCNR laws of the Bowe Addition HOA clearly restricts the usage of the homes to residential usage only. Should the City of Hood River Planning Department choose to permit this facility, it creates a dangerous and potentially damaging precedent for the entire neighborhood that not only are commercial activities allowable, but it puts the CCNRs in a vulnerable spot in which other homeowners might choose to build additional residences or townhomes on their property which is allowable based on zoning (R-2) but prohibited in the CCNRs. If the members of the HOA choose to fight this decision, it could result in costly legal fees and increased HOA dues to finance legal action. In short, permitting this establishment opens a Pandora's box of issues that would likely lead to litigation in the future.

**2. Traffic and Safety:** Currently there is zero thru traffic on Park Place Loop. The only traffic on the street are 5 residences that have driveways not serviced by the cul-de-sacs on either end of the street. This was a major appeal and factor in the decision to purchase our home for our family on this street. Because of this precedent, people feel safe letting their children play in the streets and the neighbors know to watch out for children. We are a community that knows each other by name and looks out for each other. Permitting this facility would significantly increase the thru traffic on the road from non-existent to 30+ cars a day and drastically change the safe and watchful environment we have created. People will inevitably be running late to work, or late to pick up their children and therefore will be rushing through the street, not always looking out for pets or other children in the way, especially at the two 90 degree turns on either end which I know from personal experience, must be taken slowly to avoid potential mishaps. We are very concerned about our child's and pet's safety due to this increased traffic.

**3. Depreciation:** In talking with local relators, they expect the price of the homes in the neighborhood to depreciate due to a large day care facility. We certainly would have thought twice about purchasing the home we did on Park Place had there been a day care of this size in the proposed location. The whole reason for having CCNR's with rules all home owners must abide by is to help increase the value of the entire neighborhood, again, another deciding factor in our decision to purchase the home we did.

**4. Costs:** Not only would this day care depreciate the value of the homes in the neighborhood, but it will inevitably cause an unfair increase in HOA fees. One potential fee increase will be for legal counsel in dealing with the enforcement of the CCNRs now and for future issues as outlined in the preceding section #1. However, there will also be impacts of wear and tear, specifically to the park due to the high traffic caused from a commercial operation, that far exceeds the normal wear and tear the park (and other facilities) currently receive. This increased wear and tear will cause the HOA fees to increase to cover maintenance needs brought on by this one group. Yet, each home in the HOA pays fees split evenly amongst all the homeowners that cover the maintenance costs of these facilities. Thus the owners of 764 Park Place Loop will pay the same as any other homeowner but their usage will far exceed any other homeowners.

In conclusion, there are four major concerns with permitting the residence at 764 Park Place Loop for commercial operations. Therefore, as a homeowner on Park Place Loop, I strongly oppose the approval of this application without fully addressing and mitigating these issues in a public and transparent manner that meets the approval of the Bowe Addition HOA.

Thank you for your time and opportunity to submit this written testimony.

Sincerely,

Preston Brown

Received 12/10/19 JK

December 9, 2019

To Whom It May Concern,

We are writing in support of the proposed in-home daycare provider at 764 Park Place Loop. Our one year old daughter currently attends a daycare which is closing its doors for good on December 20, 2019. As you may know Hood River has an extreme shortage of licensed daycare providers and that shortage is even more apparent for children under the age of 2. The lack of licensed daycare providers is such an issue in our community that the Hood River News recently ran a two part series covering the concern. If you haven't already, we urge you to read the articles to fully understand the issue and its impacts to the community. We are thrilled for our daughter to have the opportunity to attend this new daycare which will provide full-time jobs to the same amazing childcare team who currently provide care for her.

Without this new daycare open on January 6, 2020 we will be without childcare. We both work full-time and rely on daycare so that we can support our family and be engaged community members. Please help provide this much needed childcare opportunity for Hood River families.

Sincerely,

Nic & Candice Richards

Nicholas & Candice Richards

File No. 2019-41  
Attachment "D19"

## Jennifer Kaden

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**From:** judieh@gorge.net  
**Sent:** Tuesday, December 10, 2019 2:16 PM  
**To:** Jennifer Kaden  
**Cc:** judie hanel (judie hanel)  
**Subject:** Bowe Addition File No. 2019-41

Jennifer,

I want this email to reflect my concern and objection to the proposed application for a Family Day Care for up to 16 children at 764 Park Place Loop. While I certainly understand the need for Day Cares in the City, I object to allowing a 16 child day care on a small cul de sac where there are already current parking problems on the street because of family cars already parking there. There is nowhere for these 16 cars to park dropping off and picking up their children. There will be up to 4 caregivers and they will be parking in the driveway and possibly in front of house. So that leaves drop offs and picks up parking in other people's driveways, in front of people's homes or lining up to drop off down the street.

The existing CC&R's which run with, the real property and are binding on all parties state that 'no lot shall be used for any purpose other than residential'. Can I suggest that you drive over to the subject property and see for yourself. I understand that the City does not look or honor the CC&R's for any properties so I will look beyond the City for assistance. Thank you.

*Judie Hanel*

*"the theatre is so endlessly fascinating because its so accidental. It's so much like life."* Arthur Miller

File No. 2019-41  
Attachment "D20"

## Jennifer Kaden

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**From:** Kitsy Anne Stanley <kitsy.stanley@gmail.com>  
**Sent:** Tuesday, December 10, 2019 3:18 PM  
**To:** Jennifer Kaden  
**Cc:** Kitsy Anne Stanley  
**Subject:** File 2019-41 (Socorro Galvez)

Hello Jennifer Kaden,

I reside at 765 St Charles Place and have concerns regarding the proposed day care center being proposed at 764 Park Place Loop, Hood River, OR.

My concerns are:

- 1) Safety: Traffic increase in residential area. The houses in this development are very close together with VERY little parking. I think the additional traffic and parking will certainly cause concern especially for the neighbors in the immediate area. Often already there is already a shortage of parking, often mailboxes are blocked causing problems.
- 2) Size of day care. The proposed size of up to 16 children seems quite large for the space. I think the additional noise will be an issue for the immediate surrounding homes.
- 3) This is a residential area, our park is for the local homeowners, I have concerns if a childcare business is operation and using our common areas the homeowners could be at risk for potential liability should a child be hurt at the park. The playground equipment is not suitable for this age group.

Please feel free to contact me should you have any questions.

Thank you,

Kathleen A Stanley

PO Box 1643

765 St. Charles Place

Hood River, OR 97031

541-490-3836

File No. 2019-41  
Attachment "D21"

## Jennifer Kaden

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**From:** Nick Kraemer <nick.kraemer@gmail.com>  
**Sent:** Thursday, December 12, 2019 8:27 AM  
**To:** Jennifer Kaden  
**Subject:** Comments on Day Care application; File No. 2019-41

Hello Jennifer

Is the comment period closed for this application?

Can you send along the application?

Was the application for a family day care or a childcare center?

The application clearly meets the standards for a Home Occupation.

I'd like to reiterate that the City does not enforce CCRs.

Further - per **ORS 329A.440 - a family day care shall be considered residential use of the property.**

**ORS 329A.440. Application of zoning ordinances to registered or certified family child care homes.** (1) A registered or certified family child care home shall be considered a residential use of property for zoning purposes. The registered or certified family child care home shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings. A city or county may not enact or enforce zoning ordinances prohibiting the use of a residential dwelling, located in an area zoned for residential or commercial use, as a registered or certified family child care home.

(2) A city or county may impose zoning conditions on the establishment and maintenance of a registered or certified family child care home in an area zoned for residential or commercial use if the conditions are no more restrictive than conditions imposed on other residential dwellings in the same zone.

Thanks  
Nick Kraemer  
541.399.6812

## Jennifer Kaden

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**From:** Nick Kraemer <nick.kraemer@gmail.com>  
**Sent:** Friday, December 13, 2019 2:47 PM  
**To:** Jennifer Kaden  
**Subject:** Re: Comments on Day Care application; File No. 2019-41

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Jennifer

Happy friday.

FYI - I searched County files and have not found an application or approval for the family day care that is located in U-R-2 at 3652 Park Place Lp. I also don't have any complaints on file. Eric Walker recalled approving a day care center via conditional use permit in the UGA but thought it may have been over 16 kids and not operated by the resident. I haven't been able to track that down.

We had also discussed whether the state limit for "family day care" is 12 or 16. The state definition is 16 for family day care. It is stated in ORS 329A.440 (4) - which states (4) This section applies only to a registered or certified family child care home where child care is offered in the home of the provider to not more than 16 children, including children of the provider, regardless of full-time or part-time status. So there is a discrepancy between City of Hood River ZO definition of family day care and the state definition for family day care.

I also wanted to pass along ORS 93.270 regarding HOAs - which was updated in 2017 and restricts the ability for HOAs to prohibit a registered family day care.

(3) Except as provided in subsections (4) and (5) of this section, the following provisions of a planned community's governing document are **void and unenforceable**:

(a) A provision that prohibits or restricts the use of the owner's unit or lot as the premises of an exempt family child care provider participating in the subsidy program under ORS 329A.500; or

(b) If the unit does not share a wall, floor or ceiling surface in common with another unit, a **provision that prohibits or restricts the use of the owner's unit or lot as a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450.**

(4) Subsection (3) of this section does not prohibit a homeowners association from adopting or enforcing a provision of the planned community's governing document that regulates parking, noise, odors, nuisance, use of common property or activities that impact the cost of insurance policies held by the planned community, provided the provision:

(a) Is reasonable; and

(b) Does not have the effect of prohibiting or restricting the use of a unit or lot as the premises of an exempt family child care provider participating in the subsidy program under ORS 329A.500 or as a certified or registered family child care home pursuant to ORS 329A.250 to 329A.450.

(5)(a) Subsection (3) of this section does not apply to planned communities that provide housing for older persons.

I hope that is helpful.

Thanks  
Nick

## Jennifer Kaden

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**From:** kate austin <k8austin@gmail.com>  
**Sent:** Thursday, December 12, 2019 8:48 AM  
**To:** Jennifer Kaden  
**Subject:** In Support of Family Day Care at 764 Park Place Loop File No. 2019-41

Hello Jennifer,

I am writing in support of Socci Galvez's application for a new daycare on 764 Park Place Loop.

I am a new mother of a 3-month old infant, and I work full-time at Dakine. I am an outdoor industry professional and have put in a lot of time and effort to get the position that I currently hold at my company. However, without infant care, I would have to put my career on hold for at least 8 months and then start from scratch.

We have been trying to find infant care for about a year at this point, only to discover that there are very limited resources for infant care in the area. We thought we had a viable option for childcare with the new family daycare set to open on St Charles Place. Socci and her team of dedicated childcare professionals came highly recommended and we were relieved to learn that our daughter would be in good, experienced hands. Unfortunately, we just received word that this new childcare provider may not be approved by the city and the neighborhood.

Without this childcare option, I will have to quit my job to stay at home.

I truly hope you can help support the families, working mothers, and children who are depending on this childcare opening in January.

Thank you so much for anything you can do.

Regards,  
Katherine Sherrill  
1744 5th Street  
Hood River, OR 97031  
970.333.9756

File No. 2019-41  
Attachment "D23"

## Jennifer Kaden

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**From:** Katie Davidson <Katie.Davidson@medicalsolutions.com>  
**Sent:** Thursday, December 12, 2019 9:28 AM  
**To:** Jennifer Kaden  
**Subject:** BB's Child Care

Hi Jennifer.

I am writing on behalf of BB's Child Care. I am in favor of opening the day care at 764 Park Loop Place.

My husband and I have recently had a baby and it has been very difficult to find safe & affordable child care. With the opening of BB's we would have both. There are very limited options here in the Gorge so of course we jumped on with Socci as quickly as possible. She has explained to us that the day care will meet all requirements from the state as far as care giver to children ratios are concerned. With a recent visit to the house I have seen that it has a great layout for a day care and can more than accommodate 12-16 children.

I have come to realize there are some concerns from neighbors, which is understandable. However I have noticed one of their major concerns is parking. Socci hosted an open house for parents at the proposed location and there was more than enough parking for everyone in the driveway and on the street. Noise level and disturbances also seems to be a common concern. I think it is important for the city and the neighbors to remember that these are small children, little babies in fact. There will not be an excess of older kids walking around their neighborhood.

I truly hope the city will approve BB's Child Care. It will be a small step in helping to solve the child care issue in Hood River.

Thank you,  
Katie

**Katie Davidson**  
Senior Career Consultant  
Cincinnati Office  
[Click here to meet me](#)

---

medical solutions

direct: 513.605.6276 | main: 866.633.3548  
fax: 866.688.5929

[website](#) | [twitter](#) | [facebook](#) | [linkedin](#)

File No. 2019-41  
Attachment "D24"

## Jennifer Kaden

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**From:** Sophia Britt <sophiah@dpr.com>  
**Sent:** Thursday, December 12, 2019 10:44 AM  
**To:** Jennifer Kaden  
**Subject:** 764 Park Pl Loop - Land Use Permit  
**Attachments:** Letter to HR City 111219.pdf; Childcare Reference Letter - Chela.pdf; Childcare Reference Letter - Lynette.pdf

Hi Jennifer-

It has come to my attention that my letter supporting a land use permit for 764 Park Ave, Hood River, OR, may not have made it to your department. Since I am out of town, I am hoping that you can print out the attached and include when making your decision.

I have also included reference letters that I have written on behalf of two of the ladies who will be working at the daycare. I consider them family as they have been monumental in my daughter's success and growth over the past year at Rachel's Corner.

Please reach out if you need anything additional. I am happy to help in any way possible!

Thanks and Happy Holidays!

Sophia Britt | DPR Construction  
858-692-2668 | We Exist to Build Great Things.

City of Hood River Planning Department  
211 2<sup>nd</sup> Street  
Hood River, OR 97031

November 12<sup>th</sup>, 2019

Regarding: Expediting permit for childcare opening at 764 Park Place Loop, Hood River, OR 97031

To Whom this May Concern:

I am writing on behalf of infant childcare center that will be opening at the address listed above in the hopes that our support can help expedite the permit process.

I am overjoyed that Socci Galvez and the wonderful ladies of Rachel's Corner will be running this new daycare as they have provided an outstanding level of care for my 9-month-old. Infant childcare is so incredibly hard to find in the Gorge and these ladies have been the reason that my transition back to work has been so seamless. I honestly am so thankful for them every day as they have provided me peace of mind to return to work knowing that my daughter is in the best of hands.

Skylar is currently attending Rachel's Corner, which is closing Dec 20<sup>th</sup>, 2019. I am really hoping that she will be able to start at this new daycare as soon as possible so she can continue being taken care of by these wonderful ladies. They have my full and utmost respect and support and any way we can help expedite the permit process would be greatly appreciated.

Thank you in advance for your time!

Sophia Britt

A handwritten signature in black ink, appearing to read 'Sophia Britt', with a large, stylized flourish at the end.

858-692-2668

Sophia.britt07@gmail.com

September 27, 2019

To Whom this May Concern:

I am writing you this letter in reference to Lynette Barajas. She has been caring for my daughter, Skylar, since June 2019 at her place of current employment, Rachel's Corner.

I work full time and was heartbroken having to return to work when my daughter was just 4 months old. The transition to daycare is hard for both baby and mama and Lynette understood this and was very sympathetic. She honestly helped me get through such a stressful time in my life by constantly reassuring me about Skylar and how she was transitioning into her new schedule.

Lynette does all the normal childcare duties (changing diapers, feeding, putting down Skylar for naps, etc.), but what I especially love about her is that she is very observant towards my daughter's needs. She always surprises me by being so in tune with Skylar and going the extra step to communicate these things to me. I always enjoy talking to her at drop-offs/pick-ups because she always shares what Skylar did that day and I know that I am leaving my daughter with someone who truly pays attention to her and cares for her. There is honestly no better feeling than knowing Skylar is well taken care of and I can continue succeeding in my career and providing for my family.

To say Lynette has contributed to my daughter's wellbeing does not do her enough justice. Lynette has been such a breath of fresh air and truly a blessing to our family. She has gone above and beyond her job duties and has provided Skylar with such a safe and caring space to grow up in. All the kids instantly gravitate towards Lynette and it is easy to see why. She is such a positive, caring, and patient individual and I absolutely and completely trust her with my child. I am so thankful to have her in my family's life.

If you have any questions, please feel free to contact me at 858-692-2668 or [Sophia.Britt07@gmail.com](mailto:Sophia.Britt07@gmail.com).

Thank you,

A handwritten signature in black ink that reads "Sophia Britt". The signature is written in a cursive, flowing style.

Sophia Britt

September 20, 2019

To Whom this May Concern:

I am writing you this letter in reference to Chela Lopez. She has been caring for my daughter at her place of current employment, Rachel's Corner, since June 2019.

To say that Chela has been caring for my daughter, Skylar, is an understatement. Chela has monumentally and positively impacted my daughter's life since day one. While she does all the expected childcare duties (changing diapers, feeding, putting down Skylar for naps, etc), Chela has gone above and beyond her job responsibilities and provided my daughter with an immense amount of love, nurturing, and support. My daughter is thriving in her care.

Not only has Chela gone above and beyond for my child, she has also provided that same support to myself and my family. Chela has made the daycare transition seamless for me by texting me updates, communicating information every day at pick up/drop offs, and creating a positive and open relationship between the two of us. A trust has formed that has put my mama heart at ease and I always feel comfortable leaving Skylar in her care.

I work full-time, have a husband that travels every other week, and do not have family in town. I am grateful to consider Chela a part of our family.

If you have any questions, please feel free to contact me at 858-692-2668 or [Sophia.Britt07@gmail.com](mailto:Sophia.Britt07@gmail.com).

Thank you,

A handwritten signature in black ink that reads "Sophia Britt". The signature is written in a cursive, flowing style.

Sophia Britt

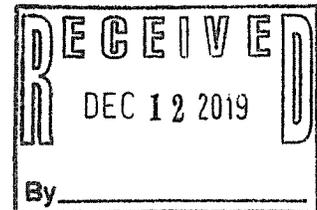
Dear whoever this may concern,

I am writing this letter because I currently have my child enrolled in a daycare that will be closing its doors in a couple of weeks. We were stressing out about what we were going to do for childcare. Luckily, we were told that there was a daycare in the process of opening in hood river. We were told it would be in a house in a neighborhood, and that it would have some of the ladies that currently work at the daycare my child is in now employed there. We were relieved to know that this problem was solved. We later found out that there were some neighbors around the new daycare that were complaining about there being a daycare near them. I am hoping this doesn't cause them to not be able to open a daycare there. it is insanely difficult to find childcare, especially for babies and kids under the age of 3. We will have to deal with long wait lists, limited year-round daycares, and other daycares are more expensive. If they are not able to have a daycare there, I don't know what we would do. I wouldn't want to have to quit my job because of the lack of childcare around, but I believe that that would be the only option for my family. I really hope that they can open up this new daycare because there aren't many options for childcare, and this would be extremely helpful for many families who have young children and are in need of a safe constant care.

Thanks,



Karen Garcia



## Jennifer Kaden

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**From:** Nic Richards <nicrichards@gmail.com>  
**Sent:** Thursday, December 12, 2019 4:48 PM  
**To:** Jennifer Kaden  
**Subject:** File No. 2019-41 - Daycare application 764 Park Place Loop

Jennifer,

I imagine I'm too late with my comments, but wanted to get it to you in any case.

I'm writing to express my opinion on the Family Day Care at 764 Park Place Loop. Let me begin by stating that my 13 month old daughter will hopefully be attending this daycare. I acknowledge this will land me in that potential bias camp.

First, the two arguments I consider valid and worth exploring further:

1. Increased liability in the common area (park) if used. Is this even a consideration for a permit?
2. Do the staffing requirements for the number of children (12-16) meet the city code as well as childcare laws? I've heard 3-4 staff and then also potentially only 2 staff. We need clarity from both sides here.

The arguments I've heard in opposition in no specific order;

1. Traffic increase and subsequent safety of the current residents.
2. 16 children are too many to properly operate a daycare in that space.
3. The house is too small to safely and effectively operate with 16 potential children.
4. Increased liability for the shared space (park).
5. CC&R explicitly states "no property should be used for any purpose other than residential..."
6. Noise.
7. Property values will decrease.
8. Daycare's should be located in commercial buildings

Before I get in to my comments on the above, please note that we currently have our daughter at Rachel's Corner in the heights. The staff there is migrating here when Rachel's closes. Rachel's place has a very similar indoor space and even more restrained street space as you might know. I've never had or heard of a safety issue there or with her staff. I've also never had an issue parking right in front for the 5 min I'm picking up our daughter. In fact, I find it the exception that more than 2 parents are picking up their kids at the same time.

1. People are arguing that 16 kids = 16 cars twice a day which = unsafe and congested street(s). I guess it's possible every parent might drive to pick up their child at the exact same time. I'd argue however, that its hardly probable. In my experience, it's rare more than 2 are there at the same time. Additionally, I've noticed how courteous the parents are in regards to parking and have never witnessed a blocked driveway, mailbox, or even a trashcan. Yes traffic will increase. But the potential of an additional 16 cars spread out over two 2 hour windows per day seems very manageable in this neighborhood to me.

2 & 3. 16 children are too many to operate or safely operate in that space. There are very specific laws governing this as you know. see: <https://oregonearlylearning.com/providers-educators/become-a-provider/licensed-childcare/> If these are not met, then count me out anyway.

4. Park liability. I think this one has only to do with the CC&R rules and up to them to do the math and govern accordingly. Even if denied, I have not been able to find a green space requirement for a residential daycare.

5. CC&R. The full quote of Article VIII in regards to this: "No lot shall be used for any purpose other than residential and no building shall be erected, altered, placed or permitted to remain on any lot other than on detached, single-family dwelling, not to exceed two stories in height." This building will be used for residential. Both a rental and an in-home daycare. Both within the R-2 zoning rules.

5.a. There is a daycare already operating in their CC&R community. This is either a blatant double standard or their CC&R laws mean nothing.

6. Noise issues. This is situational, hypothetical, and subjective. Kind of why we have noise related laws in our city. If there are noise complaints, lets address those at that time. This is not a reason to reject a permit for a legitimate and much needed business in our community.

7. Property values will decrease. This is just plain wrong. Illustrated best by the idea that being able to walk next door to drop off a child at daycare might be extremely valuable to someone.

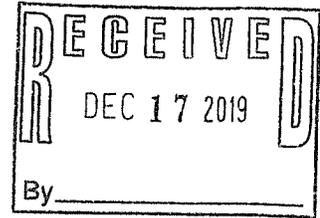
8. Daycare's are better suited for commercial buildings. One factor contributing to the need for this in-home daycare is the limited supply of commercial zoned property in Hood River. Furthermore, as you well know, many of the limited commercial zoned residences are used as short term rentals.

Lastly, I'd like to say that it hurts to see people say that they understand and share the urgent need for daycare, but that their perfect neighborhood is just not the right place for one. Among other things, I'd argue that the fact your neighborhood is so great is the exact reason a daycare and my child SHOULD be there.

Thank you for your time.

Sincerely,

Nic & Candice Richards



**Lynette Barajas**

612 E Jewett Blvd  
White Salmon, WA 98672  
541-399-6947  
lynette04179@gmail.com

December 16th 2019

To whom this may concern,

I am writing this letter in regards to a child care opening at 764 Park Place Loop. I know there have been a few concerns brought to your and our attention as to why this child care would not be a good fit for this neighborhood and I would like to comment and hopefully explain further about how it would be run. As per the traffic concern, although operating hours are from 7:30am-5:00pm, drop off/pick up is never the same for each child as parents have different schedules and kids would be dropped off and picked up according to that. We have also instituted a rule that these actions take no longer than 5-10 minutes max in order to decrease traffic. One of the other concerns was that there is already limited parking as is and we would take up even more. The house has a garage big enough for two cars which two of our employees could park in and two more spots in the driveway where the other two could park there and no spots out on the street would be taken. The space of the house has also been a concern which we would not think about opening up a child care if it would not meet the requirements needed. We have already met with state certifier, Jennie Sowder, who measured the house and told us we have enough space and even a little more than needed to be certified for 16 kids. I currently work for Rachel's Corner, which is closing permanently on December 20th. Many families, as well as my coworkers and myself were devastated. With Rachel's closing infant/toddler care is going to be very limited which could cause many parents to have to quit their jobs in order to care for their children. Our first thought for income after Rachel's closes was to set up a nanny share and help out our current clients so they could still have child care and we could continue doing what we love, which is to provide a safe and loving environment for the kids in our community. After much consideration, we figured out that, that wouldn't be possible due to the amount of kids that needed care per one person. At this point we got in contact with Socci Galvez who had thoughts about opening up a child care and we thought it would be the perfect opportunity for us to help out the community by providing a new child care that takes in infants. There aren't many people who want to work in this field due to the responsibility it comes with, which is understandable, but I love my job and would like the opportunity to be able to open up this child care in order to keep doing what I love. I have a folder that I could provide with all of my trainings and certificates that I have taken and will continue to take yearly, in order to gain more information on how I can improve and provide even better care of the children in our care. I consider the families who would be joining us in the journey of this new child care as my second family and hope to be able to add to that family with future families who will need care for their children. I really hope you take into consideration all the people who will benefit from this proposition.

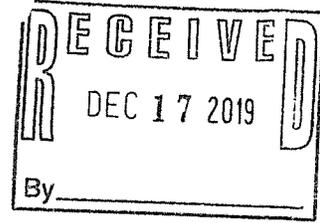
Sincerely,

A handwritten signature in black ink, appearing to read "Lynette Barajas".

**Lynette Barajas**

File No. 2019-41  
Attachment "D28"

To Whom it may concern,

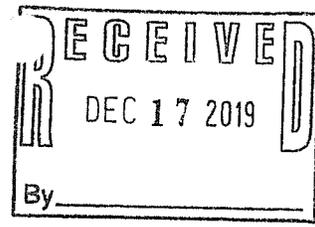


My name is Marizela (Chela) Lopez, I have been working in a well-known Childcare with great reputation in Hood River eight years from August 2012 to present. Working with children the state requires eighteen (18) hours of early childcare education every year, no matter if you have degree your still required to take 18 hours. We followed the state requirements to continue working with our children's in their development. The childcare that I work will be closing the door December 20,2019, this childcare provided infant/toddler in Hood River, this childcare is known for good quality, loving, safe, trust employees. In order, for parents to work they need safe and trust childcare that they could leave their children's and go to work not worrying. This childcare has been in Hood River for more than 15 years. Knowing that this childcare is closing door it makes the community hard to find childcare, by having your guys support and helping us open this childcare by January 6, 2020 we are helping moms not to quite their jobs and helping economy in Hood River!

Sincerely,

Marizela (Chela) Lopez

A handwritten signature in cursive script that reads "Marizela Lopez".



To whom it may concern,

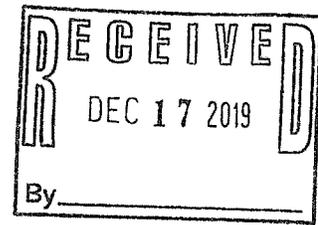
My name is Bianca Rodriguez, I have been working in a well known childcare with great reputation in Hood River for 7 years. In August, the employees and I found out that this childcare would be closing its doors for good December 20, 2019, leaving me with out a job and without income.

As a mother of three, I have to have a job that allows me to be there for my kids. The Childcare field allows me to do so, because it has allowed for my youngest to attend childcare with me. I have struggled to find a job since Hood River has so little childcares running. When I heard Socci Galvez was going to open a childcare, I was relieved and hopeful.

Growing up I was taken to ladies that would take care of children in their homes. Sometimes my sisters and I got lucky, having amazing ladies that would take care of us as one of their own. And sometimes, we were mistreated. We got pushed around, we got locked in their bathrooms and we weren't allowed to eat in their dining room tables or sit on their couches. There was no liability for our safety. I say all this because all this left some type of scar in me. And because of that I strive to give the best care to a child I can. I want them to remember me as someone who hugged them, who read to them, who kissed their boo boos. By not having enough daycares we are allowing parents to risk their child's wellbeing with some person that are taking care of kids just for easy money.

Please allow this childcare to open. It would mean parents would be allowed to go to work knowing their kids are being taken well care of. I take pride in my reputation with kids, this is my career, I have invested hours of training and continue to do so, that way I can give the best care I can and make sure I impact the children's lives in a positive way. We pave the path for them to become successful people. We are an important part of their early lives.

Sincerely,  
Bianca Rodriguez



Chad and Andi Wimmers  
P.O. Box 1969  
Hood River, OR 97031  
December 16, 2019

City of Hood River  
Planning Dept.  
301 Oak St.  
Hood River, OR 97031

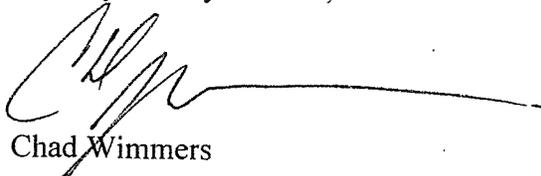
To whom it may concern:

I am writing in support of the proposed day care on 764 Park Place Loop named BB's.

Over the past 6 months we have been looking for Daycare in preparation for our newborn. It's clear to me that this community is in need of more daycare providers that can provide a safe and clean environment for our youngest citizens. This town has many families, including ours that need two incomes to support the cost of living and lifestyles.

Knowing that there are several day care providers in very near proximity of this location would be hard for one to understand if the permit was denied. I know change can be hard and some things worth resisting. A needed daycare in an area hardly seems to be the thing worth fighting against.

Thank you for your time,



Chad Wimmers

## Jennifer Kaden

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**From:** Nic Richards <nicrichards@gmail.com>  
**Sent:** Tuesday, January 7, 2020 10:34 AM  
**To:** Jennifer Kaden  
**Subject:** Notice of Appeal & Public Hearing for File No. 2019-41 to establish a Family Day Care at 764 Park Place Loop

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Jennifer,

I'd like to resubmit my comments regarding this in case they do not carry over from the application process...

I'm writing to express my opinion on the Family Day Care at 764 Park Place Loop. Let me begin by stating that my 13 month old daughter will hopefully be attending this daycare. I acknowledge this will land me in that potential bias camp.

First, the two arguments I consider valid and worth exploring further:

1. Increased liability in the common area (park) if used. Is this even a consideration for a permit?
2. Do the staffing requirements for the number of children (12-16) meet the city code as well as childcare laws? I've heard 3-4 staff and then also potentially only 2 staff. We need clarity from both sides here.

The arguments I've heard in opposition in no specific order;

1. Traffic increase and subsequent safety of the current residents.
2. 16 children are too many to properly operate a daycare in that space.
3. The house is too small to safely and effectively operate with 16 potential children.
4. Increased liability for the shared space (park).
5. CC&R explicitly states "no property should be used for any purpose other than residential..."
6. Noise.
7. Property values will decrease.
8. Daycare's should be located in commercial buildings

Before I get in to my comments on the above, please note that we currently have our daughter at Rachel's Corner in the heights. The staff there is migrating here when Rachel's closes. Rachel's place has a very similar indoor space and even more restrained street space as you might know. I've never had or heard of a safety issue there or with her staff. I've also never had an issue parking right in front for the 5 min I'm picking up our daughter. In fact, I find it the exception that more than 2 parents are picking up their kids at the same time.

1. People are arguing that 16 kids = 16 cars twice a day which = unsafe and congested street(s). I guess it's possible every parent might drive to pick up their child at the exact same time. I'd argue however, that its hardly probable. In my experience, it's rare more than 2 are there at the same time. Additionally, I've noticed how courteous the parents are in regards to parking and have never witnessed a blocked driveway, mailbox, or even a trashcan. Yes traffic will increase. But the potential of an additional 16 cars spread out over two 2 hour windows per day seems very manageable in this neighborhood to me.

2 & 3. 16 children are too many to operate or safely operate in that space. There are very specific laws governing this as you know. see: <https://oregonearlylearning.com/providers-educators/become-a-provider/licensed-childcare/> If these are not met, then count me out anyway.

4. Park liability. I think this one has only to do with the CC&R rules and up to them to do the math and govern accordingly. Even if denied, I have not been able to find a green space requirement for a residential daycare.

5. CC&R. The full quote of Article VIII in regards to this: "No lot shall be used for any purpose other than residential and no building shall be erected, altered, placed or permitted to remain on any lot other than on detached, single-family dwelling, not to exceed two stories in height." This building will be used for residential. Both a rental and an in-home daycare. Both within the R-2 zoning rules.

5.a. There is a daycare already operating in their CC&R community. This is either a blatant double standard or their CC&R laws mean nothing.

6. Noise issues. This is situational, hypothetical, and subjective. Kind of why we have noise related laws in our city. If there are noise complaints, lets address those at that time. This is not a reason to reject a permit for a legitimate and much needed business in our community.

7. Property values will decrease. This is just plain wrong. Illustrated best by the idea that being able to walk next door to drop off a child at daycare might be extremely valuable to someone.

8. Daycare's are better suited for commercial buildings. One factor contributing to the need for this in-home daycare is the limited supply of commercial zoned property in Hood River. Furthermore, as you well know, many of the limited commercial zoned residences are used as short term rentals.

Lastly, I'd like to say that it hurts to see people say that they understand and share the urgent need for daycare, but that their perfect neighborhood is just not the right place for one. Among other things, I'd argue that the fact your neighborhood is so great is the exact reason a daycare and our children SHOULD be there.

Thank you for your time.

Sincerely,

Nic & Candice Richards

## Jennifer Kaden

---

**From:** tollieb . <tollieb@gmail.com>  
**Sent:** Wednesday, January 8, 2020 4:07 PM  
**To:** Jennifer Kaden  
**Subject:** Comment Submission

Hi Jennifer,

Please accept my comments below in regards to opening of BB's Child Care which the public hearing is scheduled for Tuesday, January 21st at 5:30 PM.

Thank you,  
Tollie

### Submitted Public Comment

I am writing in support of increased daycare options within the Hood River community, including the recent opening of BB's Child Care at 764 Park Place Loop. I support the addition of responsible daycare not as a full-time working parent of two small children or as a resident in a Hood River neighborhood, both of which I am, but because additional resources for child care are critical and beneficial to support a community. When parents have a safe, affordable place for their kids, they're able to work and contribute to the community, which benefits all. I applaud the staff of BB's Child Care for providing a valuable resource to the community while proactively implementing strategies in their business model and with their clients to reduce impact on their neighbors.

## Jennifer Kaden

---

**From:** Smith, Pauline A <Pauline.Smith@providence.org>  
**Sent:** Thursday, January 9, 2020 9:06 AM  
**To:** Jennifer Kaden  
**Subject:** child care

Dear Jennifer,

I'm writing in support of Socci Galvez's new child care facility. I work at two health care clinics in Hood River. In just the last couple years, several of my coworkers have had babies and struggled to find daycare. Hood River desperately needs more high quality child care options so that parents can continue to work and in my colleagues' cases, continue to provide health care services to members of our community.

Sincerely,

Pauline Smith

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This message is intended for the sole use of the addressee, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the addressee you are hereby notified that you may not use, copy, disclose, or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete this message.

File No. 2019-41  
Attachment "E3"

## Jennifer Kaden

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**From:** Nissa Huber <nissahuber@gmail.com>  
**Sent:** Monday, January 13, 2020 11:04 AM  
**To:** Jennifer Kaden  
**Subject:** Letter of support for Socci Galvez and BB's Childcare  
**Attachments:** ChildCare support letter.docx

Dear Jennifer,

Attached is my letter in support of Socci Galve's business BB's Childcare. Can you please get this to the members of the City Planning Department prior to the meeting on January 21st, 2020. Thank you for your help.

Sincerely, Nissa Huber

File No. 2019-41  
Attachment "E4"

1/8/2020

Dear City Planning Department-

I am writing to voice my support for Socci Galvez's business BB's Child Care, as well as express my concern with the lack of daycare availability in the Hood River city vicinity. I know that when I was about to return from maternity leave a little over 2 years ago this was a huge stress for myself and my family. Being that my husband and I both have to work full time, daycare was a must. I spent countless hours on the internet, contacting friends with children and such looking for any leads on child care options with openings, let alone openings for a child under 2 years of age. I work in Hood River for Providence and my husband works in Goldendale for Klickitat County, we looked on both sides of the river, and found next to no options for our situation. Finally were fortunate enough to be connected with our child care provider, who we are grateful for, here in Hood River.

I know that having children is our choice as a parent; however, having a choice to access quality child care should be something that every parent has the option to do. By preventing these experienced and quality care givers from operating you are sending a poor message to the community. You are saying you do not care if their children have quality care options. You are saying you don't care if this provides financial hardships or burdens to the parents of the community, that the vast majority of are either Hood River residents or at minimum Oregon State income tax payers. Most importantly you are saying no to a new business in Hood River, which has taken the time and effort to jump through all of your hoops and open for business, just to be told no because there are a few members of a neighborhood that do not want this.

I am a member of Klickitat County Board of Adjustment and I have to go through a lot of applications for Conditional Use Permits (CUPs), and there are often opponents to the CUPs that are not happy if we do approve a project they are not in favor of. However, we always have to look at the rules, take into consideration like projects or uses in the vicinity, not to mention the greater good of the community. I ask you to think of all of the current families and future families this would impact if you deny the business to operate, not to mention the employees and their families who would be without work if you did not rule in favor of Socci Galvez and BB's Child Care. Please vote in favor of this business staying open to help serve the members of your community and their children.

Thank you for taking your time to hear my thoughts.

Sincerely,

Nissa Huber