



December 6, 2025

Via email to d.nilsen@cityofhoodriver.gov
RE: 2025-15 Marriott Hotel Site Plan Review

City of Hood River Planning Commissioners:

Thrive Hood River urges you to deny this application. The complex as proposed is wrong for Hood River and there are legally defensible grounds for denial.

A. COMPATABILITY

HRMC 17.16.040 H. Decision Criteria for Site Plan Review mandates that:

The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area.

The terms are not defined in the code.

1. Bulk

In the 2004 Walmart LUBA case, the City endorsed a definition of bulk as enclosed cubic feet; i.e. the volume of the building.¹ In 2008, the City denied a Site Plan Review application for a four-story, 93-unit Holiday Inn Express and Suites on Cascade Avenue, across from the Safeway Store, as incompatible. In that decision, bulk was defined as “the size, mass, and/or volume of the building”.²

The applicant’s Compatibility Exhibit appears to be intentionally misleading as to the bulk of the proposed building.³

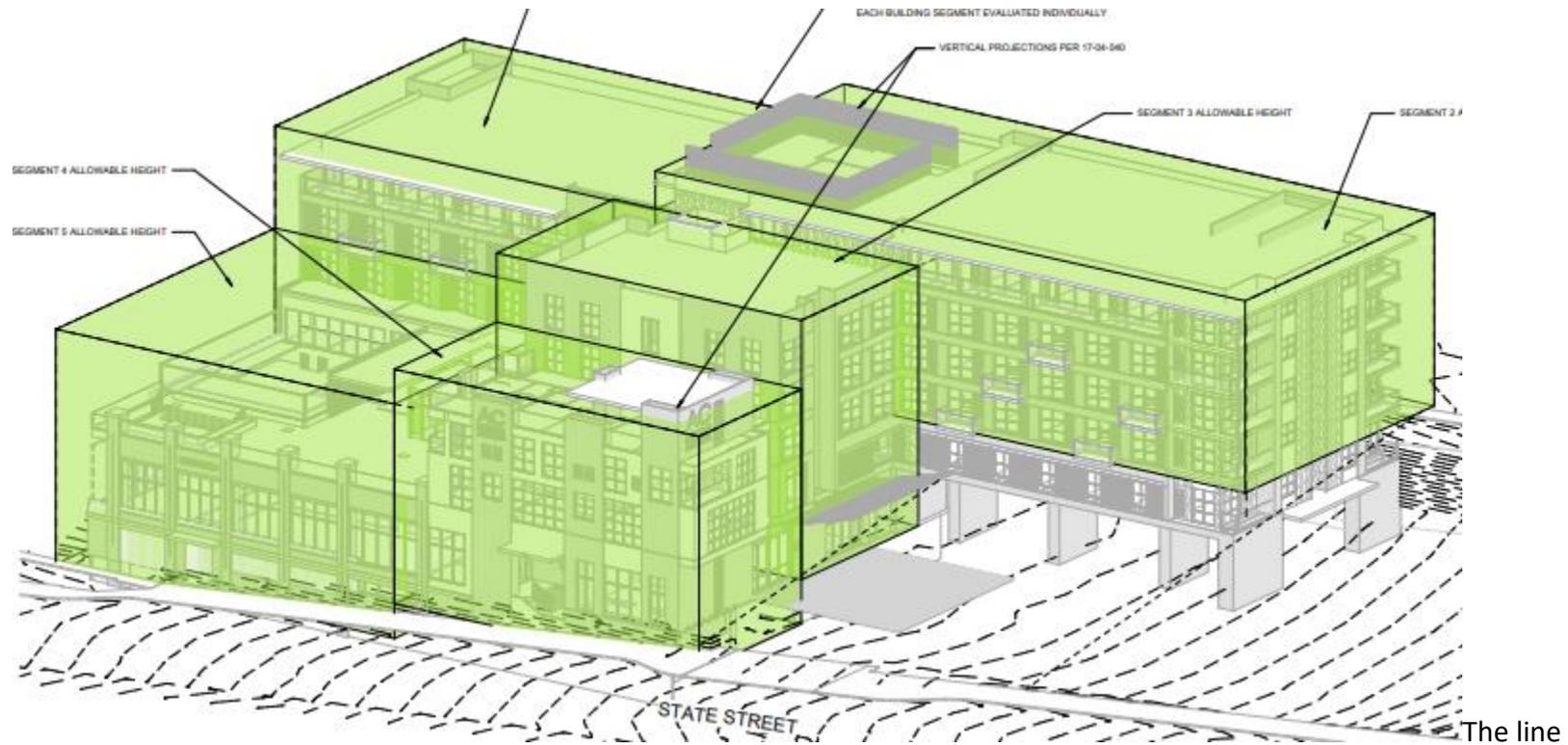
1. Thrive’s November 15 comments at “Public-Comments-11-25.pdf”, page 19.
2. File provided by the City named “2008-20-A.E. White SPR – Findings”, page 17.
3. “2025-15-Combined-Staff-Reports-with-Attachments”, pages 209-213.

The exhibit shows the following buildings on State Street, from east to west: the County courthouse, Riverside Community church, the proposed building, and the County administration building.

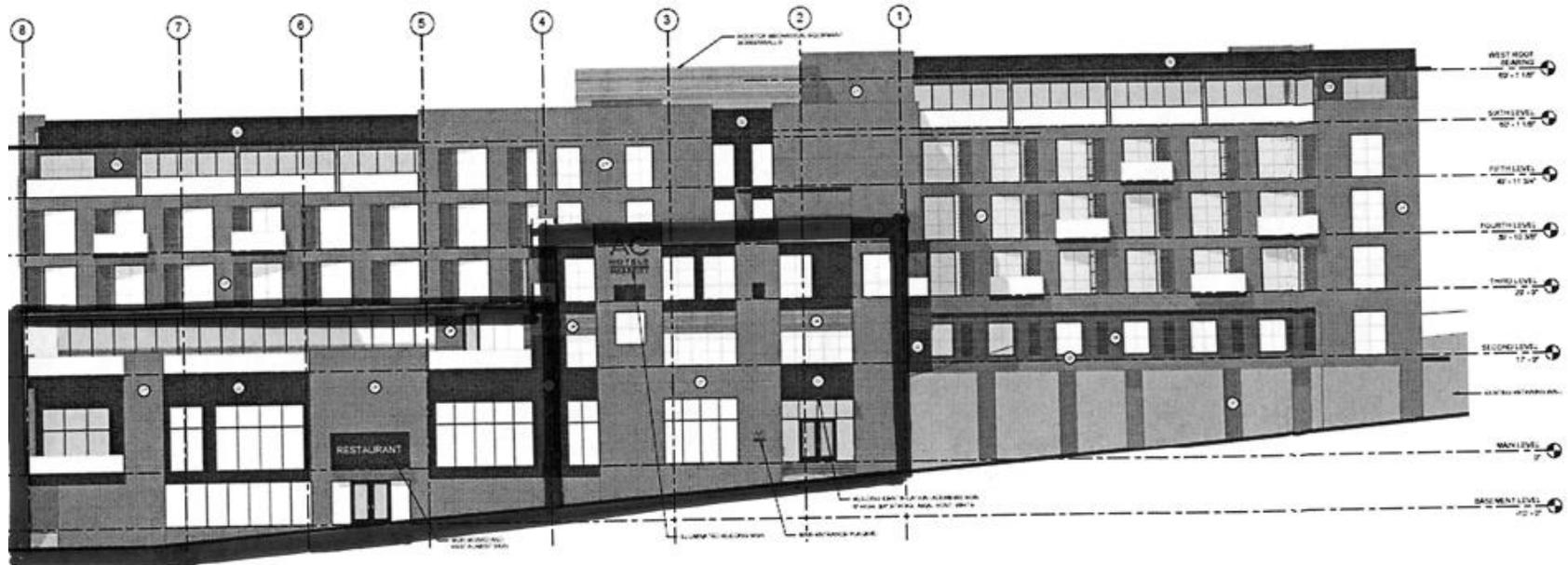


There are two problems. First, the photos are not on the same scale. Notice the size of the vehicles in front of the proposed building compared to the vehicle in front of the County administration building. The proposed building is obviously shrunk, thereby appearing smaller than it is.

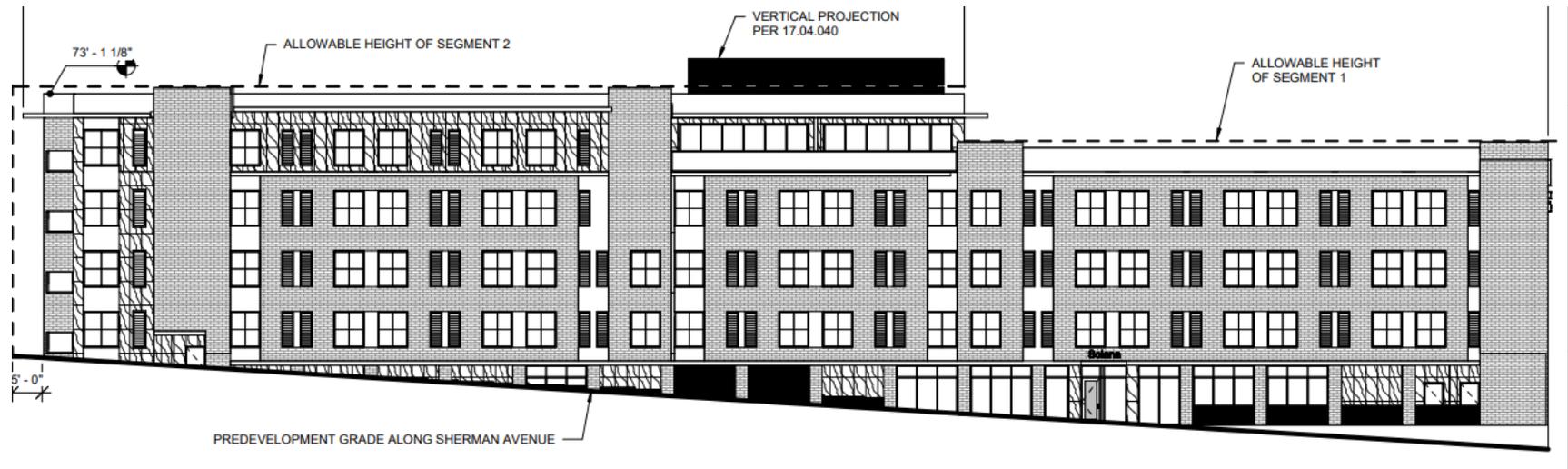
Second, most of the proposed building is not shown. The graphic below shows how the building is artificially segmented. Only the two portions of the building that border State Street are in the renderings on the preceding page. The remainder of the building – about three quarters of the structure – has disappeared.



Here is the applicant's drawing of the *entire* building, from State Street. Heavy black lines have been penciled in to show the two segments that are displayed in the Compatibility Exhibit – again, a mere fraction of the building.



Commissioner Pope asked at the December 1 hearing for a view of the proposed structure from the south side, on Sherman. Here is the applicant's drawing of that monolith.



Clearly, the bulk of the proposed building is discordant with the buildings the applicant themselves chose for comparison. Failure to satisfy this mandatory decision criteria is, by itself, sufficient grounds for denying the application.

2. Scale

Since HRMC does not define scale, we turn again to the 2008 hotel application which was denied as incompatible. It says that:

“Scale” means the proportionality of the proposed building’s height and bulk to the site and buildings in the surrounding area.⁵

This definition encompasses all of the HRMC 17.16.040 H. Decision Criteria for Site Plan Review except bulk and height, as italicized below.

The height, bulk, and scale of buildings shall be compatible with the site and buildings in the surrounding area.

The 2008 decision clarifies that:

“...the surrounding area is typically considered the notice area. In this case the notice area includes all properties within 250 feet of the site.”⁶

A map showing the surrounding area for the proposed structure is in Appendix B.

The applicant’s Compatibility Exhibit talks about the central business district, which is far larger than the surrounding area. The photos have no addresses, so a reader does not know where the buildings are. The buildings that are named specifically – Full Sail Brewery, the Waucoma Building, and 616 Industrial Street – are all in the industrial tail at the north end of the business district, far beyond the surrounding area.⁷

The burden of proof to show compatibility is on the applicant, and that burden clearly has not been met.

3. Height

Definition

HRMC 17.03.050 limits commercial buildings to 45’ in height. The proposed building rises from 209’ in elevation at the northeast corner, the lowest point, to 293.5’ in elevation at the southwest corner, the highest point. The building as a whole has a height of 84.5’.⁸

5. File provided by the City named “2008-20-A.E. White SPR – Findings”, page 17.

6. File provided by the City named “2008-20-A.E. White SPR – Findings”, page 17.

7. “2025-15-Combined-Staff-Reports-with-Attachments”, page 210.

8. “2025-15-Combined-Staff-Reports-with-Attachments”, page 214-222.

This excessive height is accomplished by artificially chunking the structure into five pieces, then carving out the last sentence HRMC 17.01.060 below to select not one, but five different reference datum points.

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

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

The code has grammatical issues that render it uninterpretable. Those issues are detailed in Appendix A. Since the code is unclear, the staff report appropriately turns to legislative history.

Local Legislative Intent

The staff report explains that the ambiguous terms “reference datum” and “stepped or terraced buildings” were written into the City’s zoning ordinance in 1980 but were not defined.

“Reference datum” was defined in a 2008 ordinance addressing fences and retaining walls as a single point, in part to “protect properties that are uphill and downhill of development”.⁹

As for “stepped or terraced buildings”, the updated staff report explains that:⁹

- ordinance 1488, in 1980, referenced the 1979 Uniform Building Code (UBC)
- ordinance 1690, in 1993, also referenced the UBC.

The report goes on to say that “In 2000, the UBC was replaced by the International Building Code (IBC), which publishes a User Handbook”. The interpretation used by the applicant – repeatedly resetting the reference datum to stair-step without end – is from this handbook.

There is no indication that legislatively the city intended to adopt wholesale any interpretation subsequent to ordinance 1690; i.e. the 2000 IBC and User Handbook. It may well be, given the caveat in 1980 about protecting properties and our extreme grade changes, that the City Council would have chosen a more restrictive interpretation, had they explicitly considered it.

Absent local legislative guidance, one must look to prior interpretation. One resident names newer commercial buildings built on slopes under this code and notes that none are stair-stepped multiple times.¹⁰ The original City staff report hints that Marriott's twist is not how the City has previously interpreted the height provision for new buildings.¹¹

9. “2025-15-Combined-Staff-Reports-with-Attachments”, page 206.

10. “Public-Comments-11-25.pdf”, page 74.

11. “2025-15-Combined-Staff-Reports-with-Attachments”, page 3.

A local government can change its interpretation of an ambiguous code and the courts must defer when it's plausible, unless the new interpretation is drastically different and amounts to revising the standard; that is, deference cannot be used to amend a code in the guise of a new interpretation (*Central Eastside Indus. Council v. City of Portland*, 74 Or LUBA 221 (2016)). Using multiple reference datums and multiple stair-stepping equates to a revision of the code outside of the local legislative process and cannot be allowed.

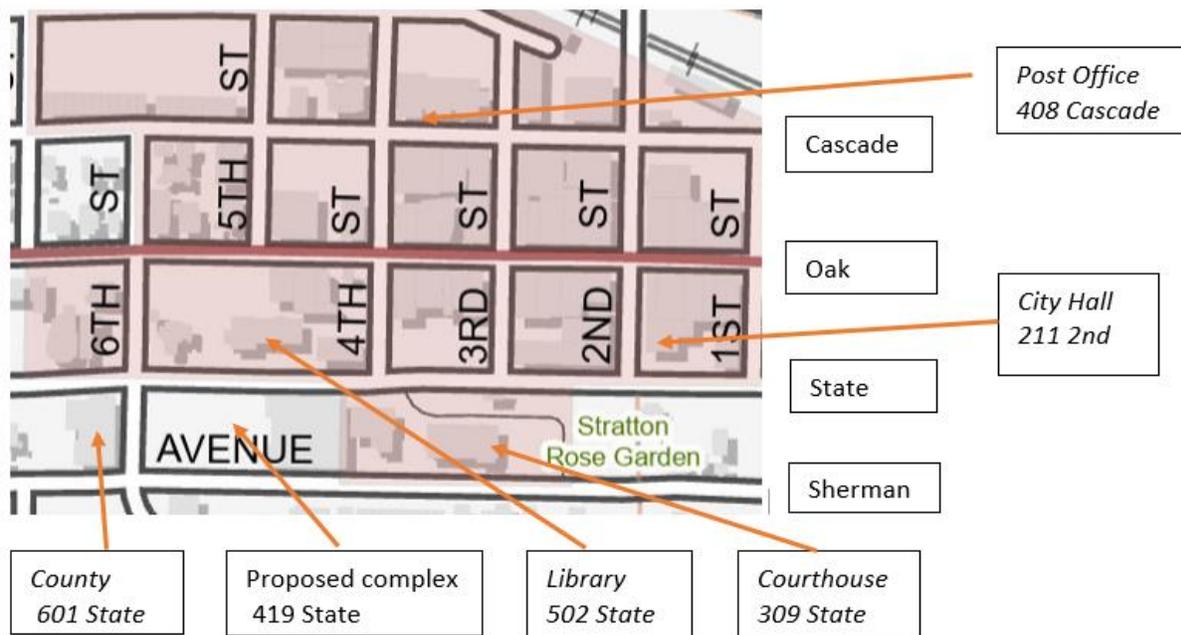
B. PARKING

1. Parking Shortage

HRMC 17.03.050 H.1.d. defines how the number of required parking spaces is calculated. The proposed complex requires 183 parking spaces, provides 120, and will be 63 spaces short.¹²

For perspective, the entire block immediately north of the site – bounded by State, 6th, Oak, and 4th – has 49 spaces. The proposed development would, at a minimum, use every one of those spaces plus 14 more, displacing all those users and creating a ripple effect that would reverberate throughout downtown and into the residential areas to the west and south.

The parking debacle is of particular concern given the number and proximity of public buildings. The proposed complex abuts the County offices and the library; is within one block of the Courthouse; and is within two blocks of City Hall and the Post Office, illustrated below.



Parking anywhere near the library, in particular, will be impossible given the signaled crosswalk across State Street to the site. Public access to public buildings should be assured, not usurped.

12. "2025-15-Combined-Staff-Reports-with-Attachments", page 4.

2. Payment in Lieu of Parking

Instead of providing the 63 needed parking spaces, the applicant will write a check. Payment in lieu of parking is allowed by the HRMC despite being contrary to the City Comprehensive Plan Goal 11, Policy 7, which is to:

“Ensure that public facilities and services of adequate size are constructed to serve planned urban uses *as urban growth occurs* consistent with the zoning.”

The City currently has no plans to construct a parking lot or garage that would provide the requisite parking.

Accepting a fee in lieu of parking is at the City’s discretion. HRMC 17.03.050 H.1. states that:

- d. Within the Central Business District, one and one-half off-street parking spaces **shall** be provided on the building site or adjacent to the site for each 1,000 square feet of gross floor area.
- e. Parking in the Central Business District, Heights Business District and the Waterfront **may** be satisfied by substituting all or some of the parking requirement at adjacent or nearby off-site off-street locations and/or by adjacent or nearby shared parking if the substitute parking reasonably satisfies the parking requirements of this section.
- f. **If** less than all required parking is provided, the fee in lieu of parking **shall** be paid in accordance with HRMC Chapter 17.24, except that a credit shall be given for the number of spaces provided.

In short: 183 spaces are required; the City may choose to whether or not to accept existing parking spaces instead of new ones; and if the City opts to accept existing spaces the applicant must pay an in-lieu of parking fee.

The City should use its discretion to insist that the proposed project be right-sized. The proposal provides less than two-thirds of the required spaces, so the building should be reduced to something less than two-thirds of the current square footage if it is to move forward.

C. TRAFFIC

1. Trip Generation

Estimated trip generation is critical. If the number of trips is underestimated, conclusions about the impact on the intersections evaluated will be incorrect. Further, there may be intersections and neighborhoods which were not evaluated that should have been.

Number of Hotel Rooms

The traffic study estimates that the proposed project will generate 1,079 daily trips, 923 more than the existing uses on the site.¹³ The estimate was derived using the number of hotel rooms, rather than the square footage of the structure.

13. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 16.

The traffic study explains that the Institute of Transportation Engineers (ITE) publishes data from trip generation studies submitted to them for a variety of land uses. For each land use, “Data can be collected by a variety of independent variables such as square footage of the building, number of employees, or various other means. For the most part, *square footage is often the most stable variable and the one that most jurisdictions would require be used for most land uses*, including for general office and medical dental offices. Therefore, the chosen independent variable is Gross Floor Area for these land uses. For hotels, a more appropriate independent variable is the number of hotel rooms”.¹⁴

Using the number of hotel rooms to estimate trip generation appears to exclude traffic spawned by all the other facilities in this proposed complex—two restaurants, a bar, conference rooms, a spa, numerous outdoor decks, a large rooftop deck,¹⁵ wine tasting room, and event space for weddings¹⁶. The ITE acknowledges that non-hotel uses could be significant and *they do not know the extent to which those uses are included in the studies they compiled*, as follows.

“Trip generation at a hotel may be related to the presence of supporting facilities such as convention facilities, restaurants, meeting/banquet space, and retail facilities. Future data submissions should specify the presence of these amenities”.¹⁷

Building Square Footage

As with trip generation, the applicant proposed using the number of hotel rooms to determine the number of required parking spaces. This approach was rejected by City staff. The staff report explained that:

“...the applicant’s traffic engineer references Parking Generation, 5th Edition and ITE Land Use 310, Hotels, to estimate the parking demand. From its analysis, a 135-room hotel, the peak parking demand is estimated at 100 spaces during a weekday. According to the Hood River Municipal Code, 121,949 square feet of commercial floor area requires the applicant to provide 183 off-street parking spaces.”¹⁸

Use of building square feet, rather than the number of hotel rooms, is required by the code for parking calculations. This explicitly recognizes the significant impact of non-hotel uses. The requisite parking spaces calculated using building square footage are 83% more than the calculation based on hotel rooms. If trip generation is understated to the same degree, the proposed project will generate 1,975 daily trips, not 1,079.

Parking and trips are both a function of the same quantity of vehicles. It is inconsistent and unreasonable to require parking calculations to be based on one variable, but allow trip calculations to be based on another.

14. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 16.

15. These uses are described in the application.

16. Additional uses named by the applicant in testimony at the December 1 public hearing.

17. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 126.

18. “2025-15-Combined-Staff-Reports-with-Attachments”, page 4.

Non-hotel Uses

If the City allows trip generation to be calculated on a different variable than that used for parking, then all potential variables should be considered, not just the number of hotel rooms. Specifically, the number of trips generated by each individual use should be calculated. The traffic study rejected this approach, as follows.

“For purposes of estimating trip generation, it would generally be an improper application of the data if one were to break down a general land use into its various types of sub-uses. For example, a land use that operates as a convenience store would have sub-uses such as warehousing, office space, etc. within the walls of the convenience store. These sub-uses would be helpful for evaluating space within the store for adequacy and use, but for trip generation purposes, the overall site would be categorized as a convenience store. For the 419 State Street Hood River Hotel and Spa, the most similar land use in ITE for estimating traffic impacts would be a 135-room hotel.”¹⁹

That reasoning is not credible. A convenience store has warehousing for inventory not yet put on the shelves, and office space to support the sales function. A hotel has storage for linens and janitorial supplies, and office space to support the hotel functions. But a convenience store with a bar, restaurants, fitness room, spa pools, conference rooms, multiple decks on several stories, a rooftop deck, a wine tasting room and event space is no longer just a convenience store and would obviously create entirely different, additional traffic. *This proposal is not a hotel, it is a complex.* Considering only the number of hotel rooms ignores trip generation by the myriad customers, employees and suppliers of all the other uses. Again, if the City allows trip generation to be calculated for hotel rooms, it should add trip generation for non-hotel uses. Absent that, we do not know the number of failed intersections this project would create.

2. Failed Intersections

Even calculating trip generation using only hotel rooms, the traffic study identifies two failed intersections.

The study explains that 2nd and Cascade is already a failed intersection, and that the City of Hood River Transportation System Plan acknowledges and allows the failure.²⁰ The extent to which this project would exacerbates the situation is simply ignored.

This project will turn 6th and State into a second failed intersection.²¹ The traffic study explains that:²²

19. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 15.

20. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 14.

21. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 18.

22. Application materials, “419 State Street Hotel and Spa v3 STAMPED”, page 24.

1. 2nd Street and Cascade Avenue will have an LOS [Level of Service] E in the AM peak hour and an LOS F in the PM peak hour in 2028. *This assumes an annual background growth of 2.5% per year for three years.*
2. 6th Street and State Street will have an LOS E in the PM peak hour in 2028 upon site build-out *assuming the same 2.5% annual background growth rate. However, it would be an acceptable LOS D in the PM peak hour in 2028 using the agreed upon calculated and conservative rate of 1% per year for three years.*

The solution for 6th and State, it seems, is to make the problem disappear by redefining it.

HRMC 17.09.100 requires that “For any application to be approved, it shall be established that the proposal conforms to the City Comprehensive Plan”. In that Plan:

- a. Goal 9, Economy, encompasses Goal 5, to “ensure provisions of adequate public facilities in association with development”.
- b. Goal 11, Public Facilities and Services, includes Policy 7, to “ensure that public facilities and services of adequate size are constructed to serve planned urban uses as urban growth occurs consistent with the zoning.”

Allowing this development, knowing full well that it will create intolerable jams at at least two critical intersections downtown, is inconsistent with the Comprehensive Plan and a disservice to the residents of Hood River.

D. CONCLUSION

The City’s Comprehensive Plan Goal, Policy 1 includes “Preserve and promote the city’s “quality of life” including small town atmosphere”. This proposed complex is entirely out of character with downtown Hood River. There are sufficient legally defensible grounds for rejecting this application and we urge you to do so.

Respectfully,



Chris Robuck
Board Co-President

APPENDIX A – Building Height

HRMC 17.01.060 says:

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

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

Here are the grammatical issues that make the code uninterpretable

- The reference datums is to be set by using either option 1 or 2. Option 1 describes a situation where the change in grade is 10 feet or less. Option 2 describes a situation where the the change in grade exceeds 10 feet. But the italicized portion of the introductory sentence implies that options 1 and 2 are alternatives in a single situation, that both exist simultaneously. In fact, they are mutually exclusive.
- The underlined sentence on stepped or terraced buildings does not stand alone. It is part of option 2, where it is circular – it uses height to define the reference datum, which is subsequently used to used to define height.
- Even if the underlined sentence were segregated into an independent paragraph distinct from option 2, it's still circular – it uses height to define height.

The applicant, in their testimony on December 1, displayed the following wording.

BUILDING HEIGHT means a vertical distance above a reference datum measured to the highest point of a building. The reference datum shall be selected [to] yields the grater building height:

2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in item one (1) above is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

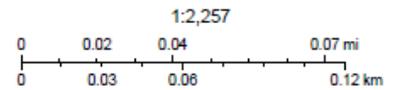
This effectively rewrites the code, ignoring the single reference datum and implying clarity where there is none.

Appendix B – Surrounding Area from file in application materials named “J – 250’ Radius Map from GIS”



2/21/2025, 9:24:53 AM

- Tax Lots _Query result
- Building Footprints
- Tax Lots
- City Limits
- Urban Growth Boundary
- Administrative and Utility Districts
- County Boundary



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