



CITY OF West Linn

Memorandum

Date: April 1, 2026

To: West Linn Planning Commission

From: Darren Wyss, Principal Planner

Subject: Post-public hearing written testimony for CUP-25-03/DR-25-03/VAR-25-02 (New Drive-Through Car Wash at 18850 Willamette Drive)

At the March 18, 2026 public hearing, the Planning Commission closed the public testimony portion of the hearing and

1. left the record open for additional written testimony by 5:00pm, Wednesday, March 25, 2026
2. allow all parties to respond to previously submitted written testimony, but not submit any new evidence by 5:00pm, Wednesday, April 1, 2026
3. allow applicant to submit final written argument by 5:00pm, April 8, 2026
4. reconvene on April 15, 2026, at 6:00pm for final deliberations only.

Attached are all written testimony submitted by the public by 5:00pm on April 1st per #2 above.

As always, please contact me with any questions at dwyss@westlinnoregon.gov or 503-742-6064.

March 31, 2026

West Linn Planning Commission
City of West Linn
22500 Salamo Road
West Linn, OR 97068

Dear Commissioners:

Eliminating parking on Walling Way, as the applicant now suggests in its revised traffic analysis, is not a viable solution to the congestion along the applicant's site (18850 Willamette Drive Kaady Car Wash - CUP-25-03/DR-25-03/VAR-25-02). That's because the city in 2015 required Starbucks to count Walling Way's on-street parking to approve its land-use application.

In Kaady's revised traffic-impact analysis dated March 25, Michael Ard of Ard Engineering states: "The City of West Linn may, however, want to consider prohibiting parking along both side (sic) of the segment of Walling Way between Highway 43 and the Starbucks entrance driveway in order to ensure than vehicles parked on the street do not narrow the effective road width to less than what is needed to accommodate Starbucks queues and two effective travel lanes."

This would contradict the city planning director's approval of DR-15-09 the Starbucks at 18900 Willamette Drive in 2015.

- The Starbucks approved site-plan called for 4 on-street parking spaces on Walling Way to meet the 41 parking spaces required by the city planning manager. See page 7 of the attached Willamette Drive Starbucks Class I Design Review Land-Use Application of July 2, 2015.
- According to that plan: "The applicant agrees to install 5 additional spaces and remove 4 to achieve 36 on-site spaces plus counting 4 on-street spaces on Walling Road..."
- This came about after city associate planner Peter Spir, in a June 25, 2015, email, directed the applicant to relocate four of its required parking spaces "to the area on Walling Drive east of the two way driveway." so Starbucks could accommodate drive through traffic on its site.
- The applicant then "identified on-street parking on Walling Road" to comply with parking dimensional requirements and avoid a variance, according to a July 2, 2015, memo from the applicant's engineer Keith Jones to the city associate planner Spir.

Unfortunately, these measures failed since at times drive-through traffic queues out onto Walling Way and even Highway 43, as evidence submitted to the public record in Kaady's application shows. The fact that Starbucks customers also park along Walling Way adjacent to Kaady's proposed development suggests that on-site parking for Starbucks and the other business that shares its parking lot is inadequate, as predicted at the time of Starbucks application by neighboring landowner Berrey Investment (see July 28, 2015, letter of concern from Tara Lund to Spir opposing Starbucks' application). Berrey Investment also predicted queuing on Walling Way.

Now the applicant of an adjoining conditional-use development is asking the city to prohibit parking along its site? The more appropriate option under the city code at this already burdened intersection would be to condition Kaady's development approval on forbidding exit onto or entrance from Walling Way.

The applicant states Walling Way exit/entrance isn't critical or necessary. Mr. Ard testified on behalf of the applicant during the commission's March 18 hearing that Walling Way wasn't needed to accommodate the proposal's traffic:

"It is certainly a problem that Starbucks has an ouroboros situation where the snake is eating its tail by coming into the site and the exiting traffic has to go right through the line of cars on Walling Way. That doesn't significantly affect our site for two reasons. 1. Based on my analysis, there's enough capacity in the driveway directly on Highway 43 that we don't need Walling Way." (underline emphasis mine)

Furthermore, the applicant's revised traffic-impact analysis states "...very little traffic is expected to enter or exit the site via the shared access driveway on Walling Way."

Although this statement is speculative and neglects to consider the lure of Starbucks upon Kaady's self-described, impulse-buying customers (see below), if Kaady nonetheless expects few customers to use the Walling Way exit, a condition forbidding customers from exiting or entering there would be appropriate. The city has the authority to impose such a condition under CDC 48.025 and CDC 48.060(F), which prefers the "consolidation of driveways" to protect the safety of all users, and under CDC 48.025, which allows the city to require "the closing or consolidation of existing curb cuts or other vehicle access points ... as a condition of granting an access permit." Furthermore, under CDC 48.025, the city can and should condition any approval of this application on mitigation measures that preserve Walling Way's local function, including forbidding the applicant from using the Walling Way access. CDC 48.025 requires that property access be managed to "maintain an adequate level of service" and to "maintain the functional classification of roadways as required by the West Linn Transportation System Plan."

Such conditions would prevent further erosion of that intersection's function and to deter unwanted traffic in our adjoining neighborhood.

I would also like to respond to other comments made by Mr. Ard while testifying March 18 in response to my testimony.

Mr. Ard stated: "The Starbucks from that video is certainly a problem. What I saw in the video was a line of vehicles coming from Highway 43 waiting to go into Starbucks. What I didn't see was a line of vehicles going up Walling Way trying to get onto 43, which would actually be a more significant thing. That does happen, but it's not what he showed." Note: Underline mine.

My response: The video spanned 14 seconds of a Friday morning as I drove out of my neighborhood. It's not an official traffic analysis. The applicant concedes that a queue, in fact, does develop on the side of the intersection it hopes to locate, opposite Starbucks. CDC 60.070(A)(4) requires "adequate public facilities ...at the time of occupancy." The intersection at Walling Way appears to be inadequate. The intersection's performance was at a level of service of B/E in 2015, according to the city's Transportation System Plan (TSP), and that was before Starbucks was permitted to occupy that intersection's corner.

Mr. Ard stated: "...vehicles coming out of the car wash if they elected to come down to Walling Way would make a right turn onto Walling Way, which does not conflict with that queue. The only people that have a potential conflict are the local neighborhood residents turning left and they would just have to go around that tip of the queue."

My response: Drivers already go around the tip of the Starbucks queue, only in the opposite direction from what Mr. Ard describes. Among other unorthodox maneuvers, drivers turning onto Walling Way from Highway 43 veer into the oncoming traffic coming west up Walling Way to exit onto Highway 43. This is one reason why neighbors already avoid exiting the neighborhood here. Car-wash customers, under this application, will also be able to turn left onto Walling Way into the neighborhood to escape the intersection's congestion or to access other points. That's not the function of a local street, which is how the city's Transportation Systems Plan classifies Walling Way. As noted previously, under CDC 48.025, the city should preserve Walling Way's local function, including by forbidding the applicant from using the Walling Way access.

The revised traffic-impact analysis states: "... the secondary driveway access on Walling Way is appropriately located directly opposite the exit for the Starbucks so that drivers turning onto Walling Way from the two driveways can see each other and navigate safely."

Response: This is not necessarily appropriate, since, according to the applicant's own characterization on March 18, car wash customers are "impulse buyers." This implies they will be inclined to dart across Walling Way after washing their cars into Starbucks misaligned entrance for treats. Kaady's Walling Way exit and Starbuck's entrance are not aligned.

One final note: During my oral testimony on March 18 opposing the application as submitted, I misstated the date I took the aforementioned video. It was taken Friday, February 20th, not February 12th.

Thank you for considering my comments.

Brent Hunsberger

Attachment: [DR-15-09 18900 Willamette Dr - Convert Bank to Starbucks-App.pdf](#)



West Linn

July 9, 2015

Roger Burpee
PO Box 487
Lake Oswego, OR 97034

SUBJECT: Completeness Determination for Starbucks Drive through at 18900 Willamette Drive
(FILE: DR-15-09)

Dear Roger:

Your resubmittal was received on July 2, 2015 and found to be **complete**. The City has 120 days to exhaust all local review; that period ends on November 6, 2015.

Please be aware that a determination of a complete application does not guarantee a recommendation of approval from staff for your proposal as submitted – it signals that staff believes you have provided the necessary information for the Planning Manager to render a decision on your proposal.

Fourteen day public notice will be prepared and mailed. The notice will identify the earliest possible decision date by the Planning Manager.

Please contact me at 503-723-2539, or by email at pspir@westlinnoregon.gov if you have any questions or comments.

Sincerely,

Peter Spir

Peter Spir
Associate Planner

PD-4 APPLICANT'S SUBMITTAL

Willamette Drive Starbucks
Class I Design Review
Land Use Application

Owner/Applicant: Roger Burpee, Managing Partner
(503) 490-9558
rburpee@me.com

West Linn Investors LLC
PO Box 487
Lake Oswego, OR 97034

Contact: Keith Jones, AICP, LEED AP ND
(503) 221-1131
keithj@hhpr.com

Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202

Site Location: 18900 Willamette Drive

Tax Lot(s): 21E23AA - 1400

Site Size: 1.8 acres

Zoning: General Commercial (GC)

Summary of Request: The applicant requests approval of Class I Design Review to convert 3,000 square foot vacant bank with drive-through into a Starbucks Coffee store with drive-through.

Report Date: July 2, 2015

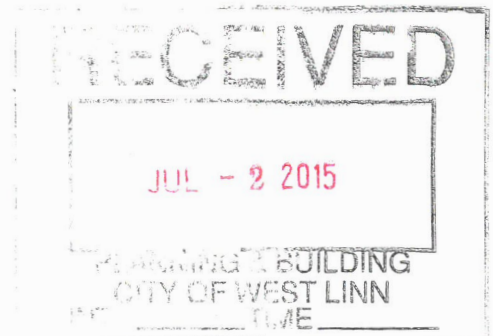


TABLE OF CONTENTS

| | | |
|-------------|---|-----------|
| I. | DESCRIPTION OF PROPOSAL | 3 |
| II. | RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA | 4 |
| | <i>COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN</i> | 4 |
| | <i>Chapter 19– General Commercial, GC</i> | 4 |
| | 19.030 Permitted Uses | 4 |
| | 19.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions | 4 |
| | 19.070 Other Applicable Development Standards | 4 |
| | <i>Chapter 46 – OFF-STREET PARKING, LOADING AND RESERVOIR AREAS</i> | 5 |
| | 46.050 – Joint Use of Parking Area | 5 |
| | 40.110 – Reservoir Areas Required For Drive-In Uses | 8 |
| | 40.150 Design Standards. | 8 |
| | <i>Chapter 54 – Landscaping</i> | 8 |
| | 54.020 – Approval Criteria | 8 |
| | <i>Chapter 55 – Design Review</i> | 8 |
| | 55.020 – Class of Design Review | 8 |
| | 55.090 – Approval Standards – Class I Design Review | 9 |
| III. | CONCLUSION | 10 |

Submitted with this application

1. Site Plan dated July 2, 2015
2. Drive-through Window Illustration



I. DESCRIPTION OF PROPOSAL

The site is located at the southeast corner of Willamette Drive and Walling Road in the City of West Linn (18900 Willamette Drive). The site contains a 6,000 square foot medical office building (DaVita Kidney Care) and a vacant bank building with drive-through. The applicant proposes to convert the vacant bank to a Starbucks Coffee store with limited work to the improved site and building. The scope of the project includes the following:

- Add a drive-through window at the east elevation of the bank building to accommodate the Starbucks Coffee store
- Add 292 square feet of new paving to improve turning movements into the drive-through
- Add five new parking stalls through striping existing paved areas
- Remove existing columns under drive-through canopy to convert two-lane former bank drive-through into a single-lane drive-through for proposed Starbucks Coffee store.
- Add striping, curbing and directional signage to channelize and identify the entrance and queue for the drive-through

Approval Request

The applicant requests approval of a Class I Design Review for installation of the improvements as shown on the site plan submitted with this application.



II. RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA

COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN

Chapter 19– General Commercial, GC

19.030 Permitted Uses

Response: The proposed Starbucks Coffee store is a use that is permitted outright as an “eating and drinking establishment” (Section 19.030.10)

19.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

Response: The applicant does not propose to make any additions or changes to the footprint of either building or to reconfigure the lot. Therefore existing dimensional requirements will not be impacted.

19.070 Other Applicable Development Standards

A. *The following standards apply to all development including permitted uses:*

1. *Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*

Response: This section is not applicable to the project.

2. *Chapter 35 CDC, Temporary Structures and Uses.*

Response: This section is not applicable to the project.

3. *Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

4. *Chapter 40 CDC, Building Height Limitations, Exceptions.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

5. *Chapter 42 CDC, Clear Vision Areas.*

Response: No changes to the driveway accesses are proposed that would impact clear vision areas.



6. Chapter 44 CDC, Fences.

Response: Does not apply to the proposal.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Response: See response to Chapter 46 below.

8. Chapter 48 CDC, Access, Egress and Circulation.

Response: See response to Chapter 48 below.

9. Chapter 52 CDC, Signs.

Response: The applicant will submit independently for a sign permit following approval of this design review application.

10. Chapter 54 CDC, Landscaping.

Response: See response to Section 54 below.

B. The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and approved conditional use applications pursuant to CDC 60.030(C).

Response: Section 55, Design Review, applies to this project. A response to Section 55 is provided below.

Chapter 46 – OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.050 – Joint Use of Parking Area

A. *Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:*

Response: The site contains two buildings including a 6,000 square foot kidney dialysis clinic (DaVita Kidney Care) and 3,000 square foot vacant bank building with drive-through (proposed Starbucks Coffee store).

Parking for the site is has been determined as follows:

Total Required Parking = 45

Starbucks – 3,000 SF (1 space per 100 SF) = 30

➤ Subtract 5 for drive-thru window (Section 46.090.C.1.a)

➤ Total Starbucks = 25



Medical Office (existing DaVita Kidney Care) – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking required prior to reductions = 49
- 10% Reduction transit stop = 45* (Section 46.090.I)
*Round fraction up one whole space (Section 46.080.D)

The applicant proposes to reduce the parking an additional 10% to 41 spaces through the joint parking provisions of this section as indicated below:

1. *The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;*

Response: Both buildings and parking are located one property (Tax Lot 1400 of Tax Map 21E23AA.) The site is all in one ownership (West Linn Investors LLC) and the applicant, Roger Burpee, is the managing partner for West Linn Investors LLC. There are two buildings on the site, a 6,000 square foot building currently occupied by DaVita Kidney Care (kidney dialysis medical clinic) and a 3,000 square foot vacant bank (proposed Starbucks Coffee store).

2. *The location and number of parking spaces that are being shared;*

Response: Parking to be shared includes the 41 spaces proposed to all be located on-site with no off-site spaces included (36 spaces currently exist and 5 will be added through striping existing paved areas).

3. *An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and*

Response: The proposed Starbucks Coffee store is required to have 25 parking spaces.¹ The DaVita Kidney Care clinic, as a medical office under the code, requires 24 spaces.²

DaVita is only open Monday, Wednesday and Friday from 6 am to 4 pm. In addition to the limited hours, the clinic has limited staff and patients. The clinic has 5 staff and sees 6 patients at one time. Since patients are typically elderly and/or in poor health, many are dropped off by van service and/or friends and relatives. Treatments typically last about 4 hours with patients coming in the morning and receiving treatment between 6 am and 10 am, or in the afternoon between 10 am to 2 pm. Parking was counted on Wednesday June 3, 2015 at the peak time where morning patients finish treatment and afternoon patients arrive. Only 7 cars were observed in the parking lot at 10 am. In discussion with management, 5-7 cars in the lot at one time is typical.

Given that the clinic operates at limited hours, the fact that the use has limited staff (5 staff members), and because patients do not drive themselves to the clinic, the applicant requests an

¹ Parking is required at 1 space per 100 square feet. Building is 3,000 SF requiring 30 spaces. Code allows a reduction of 5 spaces when drive-up window is provided as proposed (Section 46.090.C.1.a).

² Parking is required at 1 spaces per 250 square feet. Building is 6,000 SF requiring 24 spaces.



additional 10% reduction in parking under this joint use provision thereby allowing joint use where Starbucks parking will share parking with DaVita. Parking is proposed as follows:

Starbucks – 3,000 SF (1 space per 100 SF) = 30

- Subtract 5 for drive-thru window (Section 46.090.C.1.a)
- Total Starbucks = 25

Medical Office – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking Required prior to reductions = 49
 - 10% Reduction transit stop = 45* (Section 46.090.I)
 - 10% Reduction for Joint Use = 41* (Section 46.050)
- *Round fraction up one whole space (Section 46.080.D)

Parking Required/Proposed = 41

- Existing parking: 36
- Parking Added: 5 through striping existing asphalt areas (see site plan)
- Parking Removed: 4 (for drive-thru stacking area)
- Total on-site parking: 37
- On-street parking counted per Section 46.080.D: 4
- Total parking provided: 41

The applicant agrees to install 5 additional spaces and remove 4 to achieve 36 on-site spaces plus counting 4 on-street spaces on Walling Road, as indicated above. However, in the applicant's opinion, the site has adequate parking as is. Many jurisdictions as well as commercial developers and lenders demand a parking ratio of 4 parking spaces per 1,000 square feet of retail. The total square footage of the site has 9,000 square feet and with the existing 36 spaces is consistent with the 4 per 1,000 ratio ($9,000/1,000=9 - 9 \times 4=36$).

Therefore, in the applicant's opinion, the additional 5 spaces proposed by the applicant will increase the parking ratio from 4.0 to 4.5 spaces per 1,000 square feet and will be more than adequate to accommodate the proposal.

4. *A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.*

Response: The site is one tax parcel and owned by one entity. Since the site is one parcel in common ownership, both uses will have rights to the parking allowing the parking lot to be shared without the need for an additional agreement. Therefore a legal instrument is not necessary as access to the parking is guaranteed through common ownership.

B. *If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately.*

Response: Noted by the applicant



40.110 – Reservoir Areas Required For Drive-In Uses

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows: [...]

Drive-in restaurants. 10 spaces/service window (measured from the last service window).

Response: The Starbucks Coffee drive-through requires 150 feet of stacking or reservoir area. The 150-foot area provided as shown on the site plan.

40.150 Design Standards.

Response: The applicant proposes to reconfigure existing full size spaces to 8-foot wide by 16 feet deep compact spaces at the southeast corner of the site and add two tandem spaces, 20 feet long, at the north end of the project. New spaces are striped to meet code standard. No other changes to the existing parking configuration are proposed. The parking lot has existing lighting that is not proposed to be modified. The site currently has two accessible parking spaces consistent with the required amount (two require for parking lots 26-50 spaces). The applicant has identified a location for covered bike parking on the site plan near the entrance to the Starbucks Coffee store.

Chapter 54 – Landscaping

54.020 – Approval Criteria

Response: The applicant is proposes only a slight change to the landscaping be removing 292 square feet for paving to improve turning movements to the drive-through. The site currently has well in excess of the 20% minimum landscaping required with 51.5%. No trees will be removed or impacted.

Chapter 55 – Design Review

55.020 – Class of Design Review

A. Class I Design Review. The following are subject to Class I Design Review:

1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.). [...]

9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.

- a. Sidewalks on private property.*
- b. Loading docks.*
- c. Addition or reduction of parking stalls.*
- d. Revised parking alignment.*



- e. *Revised circulation.*
- f. *Revised points of ingress/egress to a site.*
- g. *Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.*

Response: The applicant does not propose to add any square footage or modify the street-facing facade of the building. The applicant does propose to install a new drive-through window where a window formerly was located for the now closed bank (see illustration submitted with this application).

The applicant proposes some minor adjustments to parking and circulation to improve vehicular flow and stacking for the proposed Starbucks Coffee drive-through. Five new parking spaces will be added through striping of existing impervious area.

The proposed improvements require a Class I Design Review.

55.090 – Approval Standards – Class I Design Review

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. *The provisions of the following sections shall be met:*

1. *CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.*

Response: The site is built out therefore natural physical features will not be adversely impacted.

2. *CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.*

Response: The only exterior change to the building includes the addition of a drive-through window. At some point in time the drive-up window for the bank use was removed and walled over. This proposal will put the window back in the same location as where it was previously. The vacant bank still has the drive-through infrastructure including drive-through lanes and canopy that will be slightly modified by the applicant including removal of an internal column and some additional paving to improve turning movements through the drive-through lane.

3. *Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.*

Response: This proposal is essentially to change over the use of the vacant bank to a Starbucks Coffee store use. Very minimal site and exterior building improvements are proposed



including some limited paving, additional parking space striping and addition of a drive-through window. Access location and general circulation will not change with this proposal.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.

Response: The site is currently connected to public facilities and no deficiencies have been identified.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

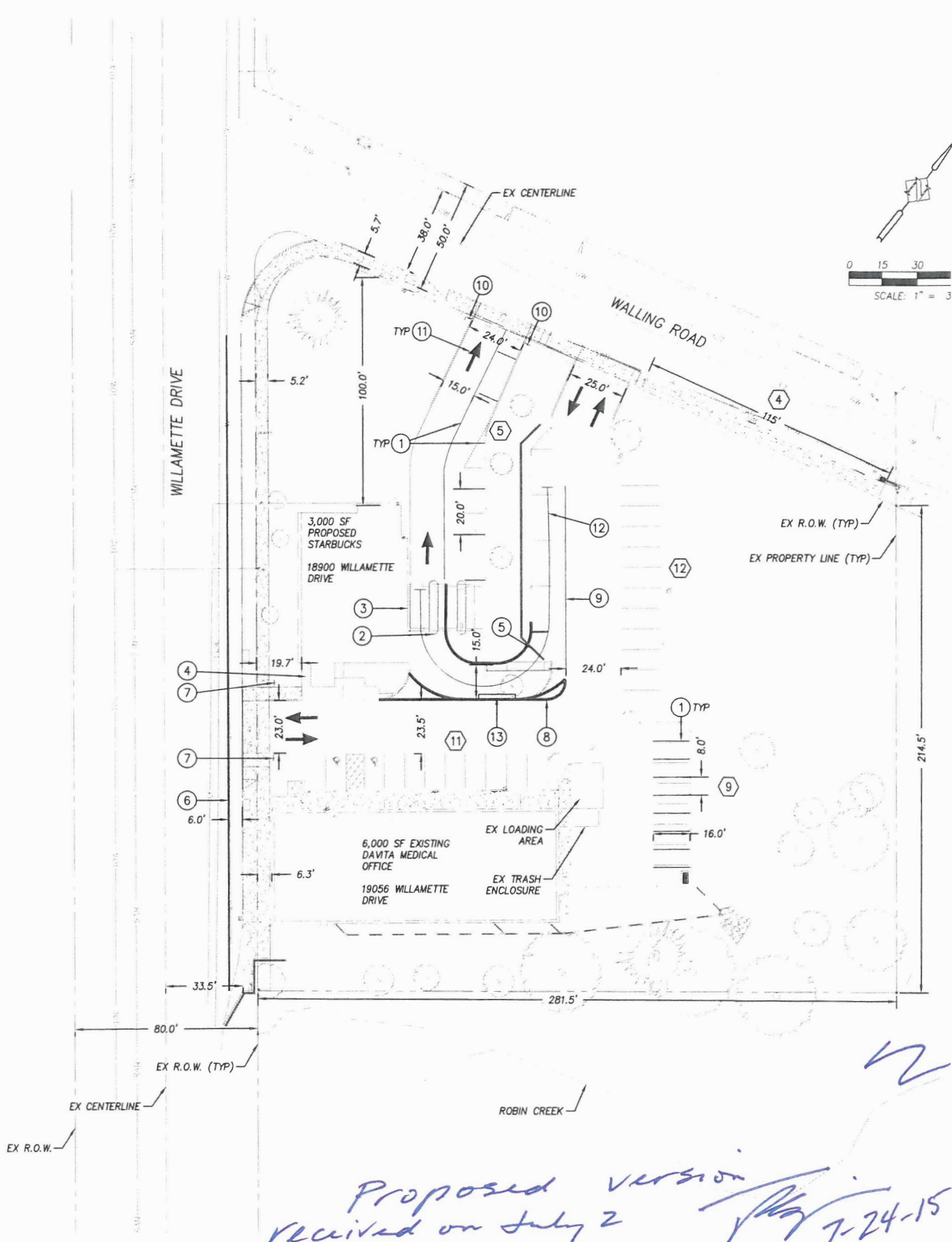
Response: The applicant has provided a response to "A" above.

III. CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.



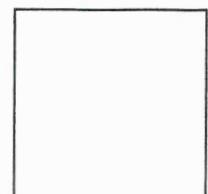
P:\MFX (Macadam Forbes)\MFX-03 (Starbucks West Linn)\MFX-03-DWG\SHEET\Design Review\MFX03-SITE PLAN.dwg



Proposed version received on July 2
[Signature] 7-24-15

| DATE | NO. | DESCRIPTION |
|-------------------|-----|-------------|
| R E V I S I O N S | | |

| | |
|-----------|-----------|
| DESIGNED: | BJB |
| DRAWN: | ABM |
| CHECKED: | BJB |
| DATE: | JULY 2015 |



ENGINEER

HARPER HOUF PETERSON RIGHELLIS INC.
CONTACT: BEAU BRAMAN, P.E.
205 SE SPOKANE STREET
PORTLAND, OREGON 97202
(503) 221-1131
BEAUB@HPR.COM

OWNER

WEST LINN INVESTORS, LLC
CONTACT: ROGER BURPEE
PO BOX 487
LAKE OSWEGO, OREGON 97304
(503) 490-9558
RBURPEE@ME.COM

CONSTRUCTION NOTES

- ① INSTALL PARKING STALL STRIPING
- ② REMOVE EXISTING ISLAND
- ③ INSTALL DRIVE THRU WINDOW
- ④ INSTALL BICYCLE RACKS
- ⑤ MODIFY EXISTING RETAINING WALL
- ⑥ INSTALL BIKE LANE BUFFER STRIPING TO PROVIDE 6' WIDE BIKE LANE
- ⑦ INSTALL "NO DRIVE THRU ENTRANCE" SIGN
- ⑧ CONSTRUCT STANDARD CURB
- ⑨ INSTALL DRIVE THRU LANE STRIPING
- ⑩ INSTALL "DO NOT ENTER" SIGNS
- ⑪ INSTALL DIRECTIONAL ARROWS
- ⑫ 150-FOOT DRIVE-IN RESERVOIR AREA (SECTION 46.110)
- ⑬ MENU ORDER BOARD. THE LOCATION IS APPROXIMATE AND THE TENANT IS TO INSTALL ITEM

PARKING COUNT

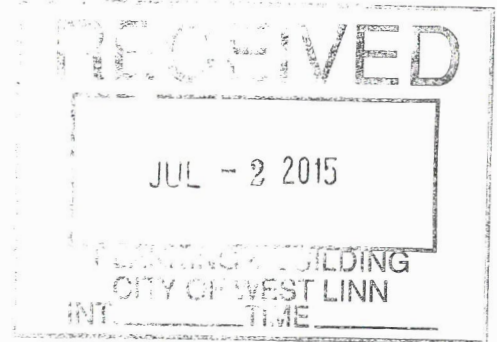
STARBUCKS - 3,000 SF (1 SPACE PER 100 SF) = 30
 SUBTRACT 5 FOR DRIVE-THRU WINDOW (SECTION 46.090.C.1.A)
 TOTAL STARBUCKS = 25
 MEDICAL OFFICE DAWTA - 6,000 SF (1 SPACE PER 250 SF) = 24
 TOTAL REQUIRED PARKING = 49
 10% REDUCTION TRANSIT STOP = 45* (SECTION 46.090.I)
 10% REDUCTION FOR JOINT USE = 41* (SECTION 46.050)
 *ROUND FRACTION UP ONE WHOLE SPACE (SECTION 46.080.D)
 EXISTING PARKING = 36
 PARKING REQUIRED = 41
 PROPOSED PARKING = 41 (INCLUDES 4 ON-STREET SPACES PER SECTION 46.080.E)

SITE AREA SUMMARY

TOTAL SITE DISTURBANCE = 1845 SF
 NEW IMPERVIOUS AREA = 292 SF
 NEW LANDSCAPE AREA = 169 SF
 EXISTING IMPERVIOUS AREA REMOVED = 169 SF
 EXISTING PVIOUS LANDSCAPE = 39,053 SF
 PERCENT LANDSCAPE = 51.8%

21

*Proposed
version
received
on July 2 7-24-15*



**Harper
 IPR Houf Peterson
 Righellis Inc.**
 ENGINEERS • PLANNERS
 SCAPE ARCHITECTS • SURVEYORS
 Spokane Street, Suite 200, Portland, OR, 97202
 503.221.1131 www.hpr.com fax: 503.221.1171

| | |
|---|--|
| SITE PLAN WILLAMETTE DRIVE STARBUCKS WEST LINN, OREGON | SHEET NO. 1 OF 1 JOB NO. MFX-03 |
|---|--|

Job No.: MFX-03
Date: July 2, 2015
To: Peter Spir
From: Keith Jones, AICP, LEED AP ND



Project/Subject: **Response to June 24, 2015 Letter of Incompleteness
18900 Willamette Drive (FILE: DR-15-09)**

The applicant has responded to the comments made in the June 24, 2015 letter as follows:

The structure (and site) is non-conforming for the following reasons:

- **Inadequate Willamette Drive driveway width of 23 feet.**
48.040(A) requires a minimum driveway width of 24 feet.
- **Driveway curb cut separation on Walling Way is inadequate at 23.5 feet. A 30 foot separation is required on local streets.**

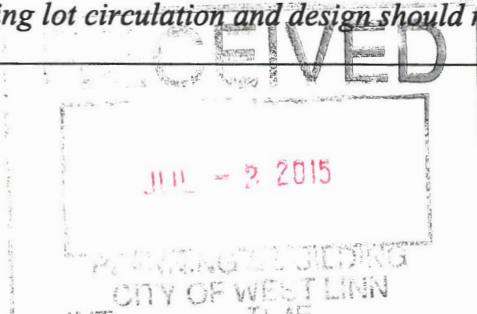
48.060 D. There shall be a minimum distance between any two adjacent curb cuts on the same side of a public street, except for one-way entrances and exits, as follows:

- 3. Between any two curb cuts on the same lot or parcel on a local street, 30 feet.*

Response: After further discussion, it has been determined that a non-conforming application is no longer required (see attached e-mail from Peter Spir dated 6-25-15)

A Class II Variance is required to allow the following deviations from the CDC:

- **Inadequate pedestrian walkway through parking lot to the Bank of the West/Starbucks building. The proposed striped pathway is also only five feet wide when it should be six feet. The proposed painted pedestrian way puts pedestrians in potential conflict with two way driveway traffic and traffic backing out of spaces in front of the dialysis clinic. The pedestrian walkways should be distinct and provide some measure of security.**
46.150(A) (20) requires that: *Pedestrian walkways shall be provided in parking areas having 20 or more spaces. Walkways or sidewalks shall be constructed between major buildings/activity areas (an example in multi-family housing: between recreation center, swimming pool, manager's office, park or open space areas, parking lots, etc.) within a development, between adjacent developments and the new development, as feasible, and between major buildings/activity areas within the development and adjacent streets and all adjacent transit stops. Internal parking lot circulation and design should maintain ease of*



205 SE Spokane Street
Suite 200
Portland, OR 97202
PHONE 503.221.1131
FAX 503.221.1171
www.hhpr.com

access for pedestrians from streets and transit stops. Walkways shall be constructed using a material that visually contrasts with the parking lot and driveway surface. Walkways shall be further identifiable to pedestrians and motorists by grade separation, walls, curbs, surface texture (surface texture shall not interfere with safe use of wheelchairs, baby carriages, shopping carts, etc.), and/or landscaping. Walkways shall be six feet wide. The arrangement and layout of the paths shall depend on functional requirements.

- **Inadequate backing up area behind parking spaces along the east edge of the property and in front of the dialysis clinic of as little as 14.6 feet when the proposed pedestrian walkway is in place.**

46.150 Figure 1 requires 23 feet.

Response: The applicant has removed the striped crosswalk, moved the drive-thru lane farther west and identified on-street parking on Walling Road. The site now complies with the parking dimensional requirements and a variance is no longer required.

Conclusion

Changes have been made to the plans and the application remains a Class I Design Review application. The applicant requests that the application be deemed complete.

Keith Jones

From: Spir, Peter <Pspir@westlinnoregon.gov>
Sent: Thursday, June 25, 2015 11:19 AM
To: Keith Jones
Cc: rburpee@me.com; Greg Burpee
Subject: RE: determination of completeness

If you resubmit as explained, then no non-conforming structure permit would be required.

Peter Spir
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

From: Keith Jones [<mailto:keithj@hhpr.com>]
Sent: Thursday, June 25, 2015 11:19 AM
To: Spir, Peter
Cc: rburpee@me.com; Greg Burpee
Subject: RE: determination of completeness

Thank you Peter!

To confirm, we also do not need the legal nonconforming application?

From: Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]
Sent: Thursday, June 25, 2015 11:14 AM
To: Keith Jones
Cc: rburpee@me.com
Subject: RE: determination of completeness

Keith

Community Development Director Chris Kerr is agreeable to the idea of a modified plan that uses the sidewalk in front of the dialysis clinic as the pedestrian access way to Starbucks.
This means that you should resubmit a plan deleting the hash marked pedestrian access in the driveway. Also show the relocation of the stacking/queueing driveway to the area where the four parking spaces were originally proposed. This would facilitate better circulation and backing up of parked cars (allow 23 foot back up space instead of 14" 6'). Those four spaces should be relocated to the area on Walling Drive east of the two way driveway. With these changes, only a class I Design Review (Planning Manager decision) would be required.
Please amend your narrative/submittal accordingly.
Peter

Peter Spir

Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



[Click to Connect!](#)

Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

From: Keith Jones [<mailto:keithj@hhpr.com>]
Sent: Thursday, June 25, 2015 8:55 AM
To: Spir, Peter
Subject: RE: determination of completeness

Great!

Thanks Peter

From: Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]
Sent: Thursday, June 25, 2015 8:52 AM
To: Keith Jones
Subject: RE: determination of completeness
Importance: High

Keith

Go ahead and hold off on the non-conforming structure and variance applications until I meet with the Manager and Director. No guarantees, but there seems to be a good chance that this application can go back to a simple Class I DR. Should have your answer later this afternoon.
Peter

Peter Spir

Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



[Click to Connect!](#)

Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

From: Keith Jones [<mailto:keithj@hhpr.com>]
Sent: Wednesday, June 24, 2015 3:34 PM

To: Spir, Peter
Subject: RE: determination of completeness

Peter,

Thank you for looking into whether we can remove the painted crosswalk.

Since this goes to the Planning Commission now, how long will that take to get to a hearing once it is complete? How much more time will it add to the process?

Thanks

Keith

From: Spir, Peter [<mailto:Pspir@westlinnoregon.gov>]
Sent: Wednesday, June 24, 2015 12:39 PM
To: rburpee@me.com; gregburpee@me.com
Cc: Keith Jones; Shroyer, Shauna
Subject: determination of completeness

Roger
I have some design ideas that could remedy at least one of the variance issues if you want to discuss it.
Peter

Peter Spir
Associate Planner
22500 Salamo Rd.
West Linn, OR 97068
Pspir@westlinnoregon.gov
westlinnoregon.gov
Phone (503) 723-2539



Click to Connect!

Please consider the impact on the environment before printing a paper copy of this email.
This e-mail is subject to the State Retention Schedule and may be made available to the public

DEVELOPMENT REVIEW APPLICATION

| For Office Use Only | | |
|--|--------------------------------|---------------------|
| STAFF CONTACT <i>Peter Spiv</i> | PROJECT NO(S). <i>DR-15-09</i> | |
| NON-REFUNDABLE FEE(S) <i>2,100-</i> | REFUNDABLE DEPOSIT(S) | TOTAL <i>2,100-</i> |

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

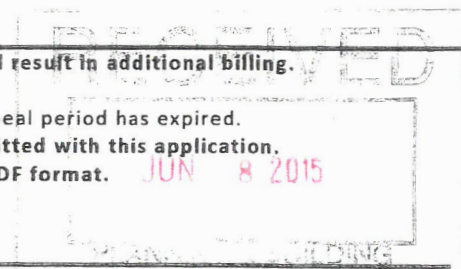
| | |
|-------------------------------|------------------------------------|
| 18900 Willamette Drive | Assessor's Map No.: 21E23AA |
| | Tax Lot(s): 1400 |
| | Total Land Area: 1.8 Acres |

Brief Description of Proposal: Convert vacant bank building with drive-through into a Starbucks Coffee store. Only minor exterior changes will be completed including adding 5 additional parking spaces, limited new paving (less than 1,000 square feet of new impervious area) and installing a new drive-up window.

Applicant Name: Roger Burpee, Managing Partner - West Linn Investors LLC Phone: (503) 490-9558
(please print)
 Address: PO Box 487 Email: rburpee@me.com
 City State Zip: Lake Oswego, OR 97034

Owner Name (required): Same as applicant Phone:
(please print)
 Address: Email:
 City State Zip:

Consultant Name: Keith Jones, Harper Houf Peterson Righellis Inc. Phone: (503) 221-1131
(please print)
 Address: 205 SE Spokane Street, Suite 200 Email: keithj@hhpr.com
 City State Zip: Portland, OR 97202



- All application fees are non-refundable (excluding deposit). Any overruns to deposit will result in additional billing.
- The owner/applicant or their representative should be present at all public hearings.
- A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.
- Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application. One (1) complete set of digital application materials must also be submitted on CD in PDF format. If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed

The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Roger Burpee, Man Partner 6-2-15 *Roger Burpee Man. Partner* 6-2-15
 Applicant's signature Date Owner's signature (required) Date
West Linn Investors LLC *West Linn Investors LLC*

Willamette Drive Starbucks
Class I Design Review
Land Use Application

Owner/Applicant: Roger Burpee, Managing Partner
(503) 490-9558
rburpee@me.com

West Linn Investors LLC
PO Box 487
Lake Oswego, OR 97034

Contact: Keith Jones, AICP, LEED AP ND
(503) 221-1131
keithj@hhpr.com

Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street, Suite 200
Portland, OR 97202

Site Location: 18900 Willamette Drive

Tax Lot(s): 21E23AA - 1400

Site Size: 1.8 acres

Zoning: General Commercial (GC)

Summary of Request: The applicant requests approval of Class I Design Review to convert 3,000 square foot vacant bank with drive-through into a Starbucks Coffee store with drive-through.

Report Date: June 8, 2015

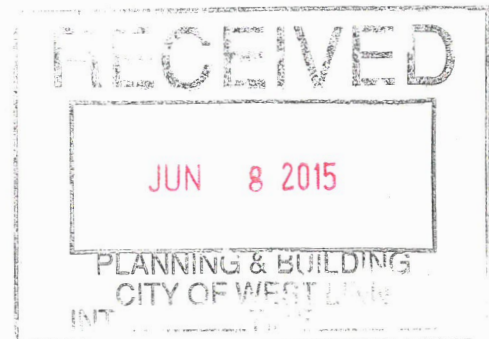


TABLE OF CONTENTS

| | | |
|-------------|---|-----------|
| I. | DESCRIPTION OF PROPOSAL | 3 |
| II. | RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA | 4 |
| | <i>COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN</i> | 4 |
| | <i>Chapter 19– General Commercial, GC</i> | 4 |
| | 19.030 Permitted Uses | 4 |
| | 19.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions | 4 |
| | 19.070 Other Applicable Development Standards | 4 |
| | <i>Chapter 46 – OFF-STREET PARKING, LOADING AND RESERVOIR AREAS</i> | 5 |
| | 46.050 – Joint Use of Parking Area | 5 |
| | 40.110 – Reservoir Areas Required For Drive-In Uses | 7 |
| | 40.150 Design Standards. | 8 |
| | <i>Chapter 54 – Landscaping</i> | 8 |
| | 54.020 – Approval Criteria | 8 |
| | <i>Chapter 55 – Design Review</i> | 8 |
| | 55.020 – Class of Design Review | 8 |
| | 55.090 – Approval Standards – Class I Design Review | 9 |
| III. | CONCLUSION | 10 |

Submitted with this application

1. Site Plan dated June 8, 2015
2. Drive-through Window Illustration



I. DESCRIPTION OF PROPOSAL

The site is located at the southeast corner of Willamette Drive and Walling Road in the City of West Linn (18900 Willamette Drive). The site contains a 6,000 square foot medical office building (DaVita Kidney Care) and a vacant bank building with drive-through. The applicant proposes to convert the vacant bank to a Starbucks Coffee store with limited work to the improved site and building. The scope of the project includes the following:

- Add a drive-through window at the east elevation of the bank building to accommodate the Starbucks Coffee store
- Add 292 square feet of new paving to improve turning movements into the drive-through
- Add five new parking stalls through striping existing paved areas
- Remove existing columns under drive-through canopy to convert two-lane former bank drive-through into a single-lane drive-through for proposed Starbucks Coffee store.
- Add striping, curbing and directional signage to channelize and identify the entrance and queue for the drive-through

Approval Request

The applicant requests approval of a Class I Design Review for installation of the improvements as shown on the site plan submitted with this application.



II. RESPONSE TO APPLICABLE CODE STANDARDS AND APPROVAL CRITERIA

COMMUNITY DEVELOPMENT CODE OF THE CITY OF WEST LINN

Chapter 19– General Commercial, GC

19.030 Permitted Uses

Response: The proposed Starbucks Coffee store is a use that is permitted outright as an “eating and drinking establishment” (Section 19.030.10)

19.070 Dimensional Requirements, Uses Permitted Outright and Uses Permitted Under Prescribed Conditions

Response: The applicant does not propose to make any additions or changes to the footprint of either building or to reconfigure the lot. Therefore existing dimensional requirements will not be impacted.

19.070 Other Applicable Development Standards

A. *The following standards apply to all development including permitted uses:*

1. *Chapter 34 CDC, Accessory Structures, Accessory Dwelling Units, and Accessory Uses.*

Response: This section is not applicable to the project.

2. *Chapter 35 CDC, Temporary Structures and Uses.*

Response: This section is not applicable to the project.

3. *Chapter 38 CDC, Additional Yard Area Required; Exceptions to Yard Requirements; Storage in Yards; Projections into Yards.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

4. *Chapter 40 CDC, Building Height Limitations, Exceptions.*

Response: This section is not applicable to the project as the footprint of the buildings is not proposed to be modified.

5. *Chapter 42 CDC, Clear Vision Areas.*

Response: No changes to the driveway accesses are proposed that would impact clear vision areas.



6. Chapter 44 CDC, Fences.

Response: Does not apply to the proposal.

7. Chapter 46 CDC, Off-Street Parking, Loading and Reservoir Areas.

Response: See response to Chapter 46 below.

8. Chapter 48 CDC, Access, Egress and Circulation.

Response: See response to Chapter 48 below.

9. Chapter 52 CDC, Signs.

Response: The applicant will submit independently for a sign permit following approval of this design review application.

10. Chapter 54 CDC, Landscaping.

Response: See response to Section 54 below.

B. *The provisions of Chapter 55 CDC, Design Review, apply to all uses except detached single-family dwellings and approved conditional use applications pursuant to CDC 60.030(C).*

Response: Section 55, Design Review, applies to this project. A response to Section 55 is provided below.

Chapter 46 – OFF-STREET PARKING, LOADING AND RESERVOIR AREAS

46.050 – Joint Use of Parking Area

A. *Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to the Planning Director as part of a building or zoning permit application or land use review:*

Response: The site contains two buildings including a 6,000 square foot kidney dialysis clinic (DaVita Kidney Care) and 3,000 square foot vacant bank building with drive-through (proposed Starbucks Coffee store).

Parking for the site is has been determined as follows:

Total Required Parking = 45

Starbucks – 3,000 SF (1 space per 100 SF) = 30

➤ Subtract 5 for drive-thru window (Section 46.090.C.1.a)

➤ Total Starbucks = 25



Medical Office (existing DaVita Kidney Care) – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking required prior to reductions = 49
- 10% Reduction transit stop = 45* (Section 46.090.I)
*Round fraction up one whole space (Section 46.080.D)

The applicant proposes to reduce the parking an additional 10% to 41 spaces through the joint parking provisions of this section as indicated below:

1. *The names and addresses of the owners or tenants that are sharing the parking and the uses at those locations;*

Response: Both buildings and parking are located one property (Tax Lot 1400 of Tax Map 21E23AA.) The site is all in one ownership (West Linn Investors LLC) and the applicant, Roger Burpee, is the managing partner for West Linn Investors LLC. There are two buildings on the site, a 6,000 square foot building currently occupied by DaVita Kidney Care (kidney dialysis medical clinic) and a 3,000 square foot vacant bank (proposed Starbucks Coffee store).

2. *The location and number of parking spaces that are being shared;*

Response: Parking to be shared includes the 41 spaces proposed to all be located on-site with no off-site spaces included (36 spaces currently exist and 5 will be added through striping existing paved areas).

3. *An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and*

Response: The proposed Starbucks Coffee store is required to have 25 parking spaces.¹ The DaVita Kidney Care clinic, as a medical office under the code, requires 24 spaces.²

DaVita is only open Monday, Wednesday and Friday from 6 am to 4 pm. In addition to the limited hours, the clinic has limited staff and patients. The clinic has 5 staff and sees 6 patients at one time. Since patients are typically elderly and/or in poor health, many are dropped off by van service and/or friends and relatives. Treatments typically last about 4 hours with patients coming in the morning and receiving treatment between 6 am and 10 am, or in the afternoon between 10 am to 2 pm. Parking was counted on Wednesday June 3, 2015 at the peak time where morning patients finish treatment and afternoon patients arrive. Only 7 cars were observed in the parking lot at 10 am. In discussion with management, 5-7 cars in the lot at one time is typical.

Given that the clinic operates at limited hours, the fact that the use has limited staff (5 staff members), and because patients do not drive themselves to the clinic, the applicant requests an

¹ Parking is required at 1 space per 100 square feet. Building is 3,000 SF requiring 30 spaces. Code allows a reduction of 5 spaces when drive-up window is provided as proposed (Section 46.090.C.1.a).

² Parking is required at 1 spaces per 250 square feet. Building is 6,000 SF requiring 24 spaces.



additional 10% reduction in parking under this joint use provision thereby allowing joint use where Starbucks parking will share parking with DaVita. Parking is proposed as follows:

Starbucks – 3,000 SF (1 space per 100 SF) = 30

- Subtract 5 for drive-thru window (Section 46.090.C.1.a)
- Total Starbucks = 25

Medical Office – 6,000 SF (1 spacer per 250 SF) = 24

Parking Reductions:

- Parking Required prior to reductions = 49
 - 10% Reduction transit stop = 45* (Section 46.090.I)
 - 10% Reduction for Joint Use = 41* (Section 46.050)
- *Round fraction up one whole space (Section 46.080.D)

Parking Required/Proposed = 41

- Existing parking: 36
- Parking Added: 5 through striping existing asphalt areas (see site plan)

The applicant agrees to install 5 additional spaces to achieve 41 spaces as indicated above. However, in the applicant's opinion, the site has adequate parking as is. Many jurisdictions as well as commercial developers and lenders demand a parking ratio of 4 parking spaces per 1,000 square feet of retail. The total square footage of the site has 9,000 square feet and with the existing 36 spaces is consistent with the 4 per 1,000 ratio ($9,000/1,000=9 - 9 \times 4=36$).

Therefore, in the applicant's opinion, the additional 5 spaces proposed by the applicant will increase the parking ratio from 4.0 to 4.5 spaces per 1,000 square feet and will be more than adequate to accommodate the proposal.

4. A legal instrument such as an easement or deed restriction that guarantees access to the parking for all uses.

Response: The site is one tax parcel and owned by one entity. Since the site is one parcel in common ownership, both uses will have rights to the parking allowing the parking lot to be shared without the need for an additional agreement. Therefore a legal instrument is not necessary as access to the parking is guaranteed through common ownership.

B. If a joint use arrangement is subsequently terminated, the requirements of this chapter will apply to each use separately.

Response: Noted by the applicant

40.110 – Reservoir Areas Required For Drive-In Uses

All uses providing drive-in service as defined by this code shall provide, on the same site, a reservoir space a minimum of 15 feet long for each car, as follows: [...]

Drive-in restaurants. 10 spaces/service window (measured from the last service window).



Response: The Starbucks Coffee drive-through requires 150 feet of stacking or reservoir area. The 150-foot area provided as shown on the site plan.

40.150 Design Standards.

Response: The applicant proposes to reconfigure existing full size spaces to 8-feet wide by 16 feet deep compact spaces at the southeast corner of the site and add two tandem spaces, 20 feet long, at the north end of the project. New spaces are striped to meet code standard. No other changes to the existing parking configuration are proposed. The parking lot has existing lighting that is not proposed to be modified. The site currently has two accessible parking spaces consistent with the required amount (two require for parking lots 26-50 spaces). The applicant has identified a location for covered bike parking on the site plan near the entrance to the Starbucks Coffee store.

Chapter 54 – Landscaping

54.020 – Approval Criteria

Response: The applicant is proposes only a slight change to the landscaping be removing 292 square feet for paving to improve turning movements to the drive-through. The site currently has well in excess of the 20% minimum landscaping required with 51.5%. No trees will be removed or impacted.

Chapter 55 – Design Review

55.020 – Class of Design Review

A. Class I Design Review. The following are subject to Class I Design Review:

1. Modification of an office, commercial, industrial, public or multi-family structure for purposes of enhancing the aesthetics of the building and not increasing the interior usable space (e.g., covered walkways or entryways, addition of unoccupied features such as cupolas, clock towers, etc.). [...]

9. No design review is required if the applicant proposes to repair or replace one of the listed items. The Planning Director shall make the determination of whether an applicant is proposing a repair or replacement. However, Class I design review applies when one of the following improvements is part of a minor redesign or remodel.

- a. Sidewalks on private property.*
- b. Loading docks.*
- c. Addition or reduction of parking stalls.*
- d. Revised parking alignment.*
- e. Revised circulation.*
- f. Revised points of ingress/egress to a site.*
- g. Heating, ventilation, and air conditioners (HVAC) that are visible from the public right-of-way.*



Response: The applicant does not propose to add any square footage or modify the street-facing facade of the building. The applicant does propose to install a new drive-through window where a window formerly was located for the now closed bank (see illustration submitted with this application).

The applicant proposes some minor adjustments to parking and circulation to improve vehicular flow and stacking for the proposed Starbucks Coffee drive-through. Five new parking spaces will be added through striping of existing impervious area.

The proposed improvements require a Class I Design Review.

55.090 – Approval Standards – Class I Design Review

The Planning Director shall make a finding with respect to the following criteria when approving, approving with conditions, or denying a Class I design review application:

A. The provisions of the following sections shall be met:

1. CDC 55.100(B)(1) through (4), Relationship to the natural and physical environment, shall apply except in those cases where the proposed development site is substantially developed and built out with no remaining natural physical features that would be impacted.

Response: The site is built out therefore natural physical features will not be adversely impacted.

2. CDC 55.100(B)(5) and (6), architecture, et al., shall only apply in those cases that involve exterior architectural construction, remodeling, or changes.

Response: The only exterior change to the building includes the addition of a drive-through window. At some point in time the drive-up window for the bank use was removed and walled over. This proposal will put the window back in the same location as where it was previously. The vacant bank still has the drive-through infrastructure including drive-through lanes and canopy that will be slightly modified by the applicant including removal of an internal column and some additional paving to improve turning movements through the drive-through lane.

3. Pursuant to CDC 55.085, the Director may require additional information and responses to additional sections of the approval criteria of this section depending upon the type of application.

Response: This proposal is essentially to change over the use of the vacant bank to a Starbucks Coffee store use. Very minimal site and exterior building improvements are proposed including some limited paving, additional parking space striping and addition of a drive-through window. Access location and general circulation will not change with this proposal.

B. An application may be approved only if adequate public facilities will be available to provide service to the property at the time of occupancy.



Response: The site is currently connected to public facilities and no deficiencies have been identified.

C. The Planning Director shall determine the applicability of the approval criteria in subsection A of this section.

Response: The applicant has provided a response to "A" above.

III. CONCLUSION

This summary of request and attachments demonstrate compliance with applicable approval criteria and code. The applicant respectfully requests that the City approve this application.



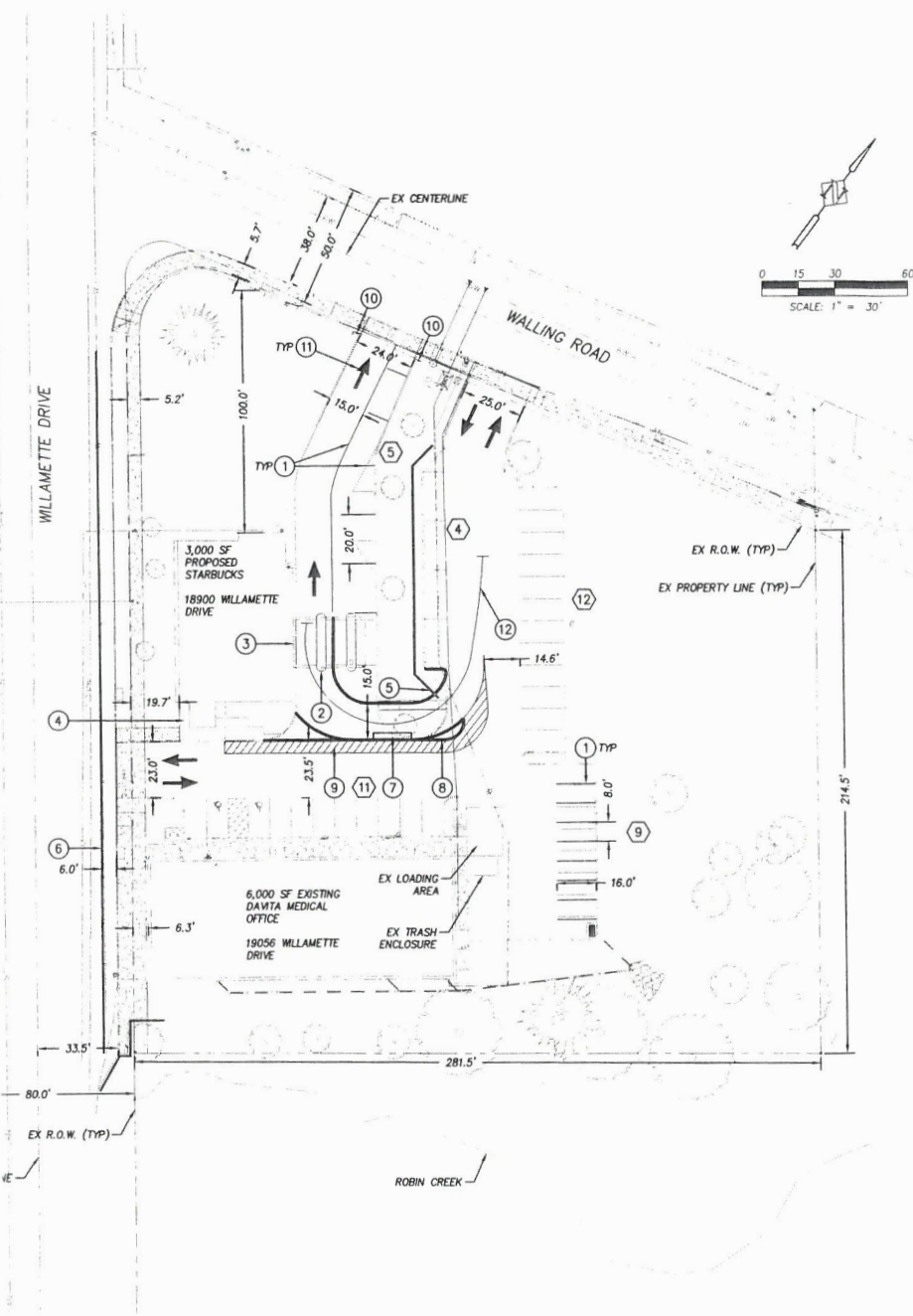
PROPOSED DRIVE-THROUGH WINDOW



EXISTING CONDITION



RECEIVED
JUN 8 2015
PLANNING & BUILDING
CITY OF WEST LINN
INT. _____ TIME _____



ENGINEER

HARPER HOUF PETERSON RIGHELLIS INC.
 CONTACT: BEAU BRAMAN, P.E.
 205 SE SPOKANE STREET
 PORTLAND, OREGON 97202
 (503) 221-1131
 BEAUB@HPR.COM

OWNER

MACADAM FORBES
 CONTACT: GREG BURPEE
 1800 SW FIRST AVENUE, SUITE 650
 PORTLAND, OREGON 97201
 (503) 972-7282
 BURPEE@MACADAMFORBES.COM

CONSTRUCTION NOTES

- 1 INSTALL PARKING STALL STRIPING
- 2 REMOVE EXISTING COLUMNS
- 3 INSTALL DRIVE THRU WINDOW
- 4 INSTALL BICYCLE RACKS
- 5 MODIFY EXISTING RETAINING WALL
- 6 INSTALL BIKE LANE BUFFER STRIPING TO PROVIDE 6' WIDE BIKE LANE
- 7 INSTALL MENU BOARD
- 8 CONSTRUCT STANDARD CURB
- 9 INSTALL 5' WIDE PEDESTRIAN WALKWAY STRIPING
- 10 INSTALL "DO NOT ENTER" SIGNS
- 11 INSTALL DIRECTIONAL ARROWS
- 12 150-FOOT DRIVE-IN RESERVOIR AREA (SECTION 46.110)

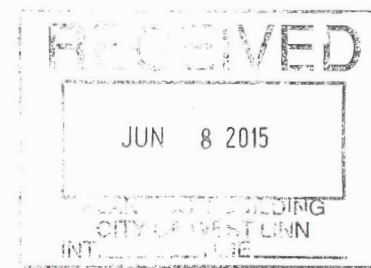
PARKING COUNT

STARBUCKS - 3,000 SF (1 SPACE PER 100 SF) = 30
 SUBTRACT 5 FOR DRIVE-THRU WINDOW (SECTION 46.090.C)
 TOTAL STARBUCKS = 25
 MEDICAL OFFICE DAVITA - 6,000 SF (1 SPACE PER 250 SF) = 24
 TOTAL REQUIRED PARKING = 49
 10% REDUCTION TRANSIT STOP = 45* (SECTION 46.090.I)
 10% REDUCTION FOR JOINT USE = 41* (SECTION 46.050)
 *ROUND FRACTION UP ONE WHOLE SPACE (SECTION 46.080.D)
 EXISTING PARKING = 36
 PARKING REQUIRED = 41
 PROPOSED PARKING = 41

SITE AREA SUMMARY

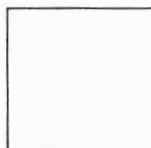
TOTAL SITE DISTURBANCE = 1845 SF
 NEW IMPERVIOUS AREA = 292 SF
 NEW LANDSCAPE AREA = 169 SF
 EXISTING IMPERVIOUS AREA REMOVED = 169 SF
 EXISTING PERVIOUS LANDSCAPE = 39,053 SF
 PERCENT LANDSCAPE = 51.8%

*initial
 submittal
 no longer
 proposed*



| DATE | NO. | DESCRIPTION | DESIGNED: | DATE: |
|------|-----|-------------|-----------|--------------|
| | | | BJB | JUNE 8, 2015 |
| | | | ABM | |
| | | | BJB | |

REVISIONS



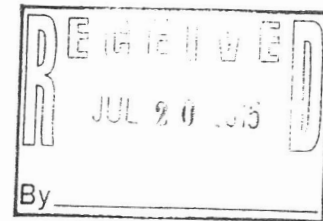
Harper Houf Peterson Righellis Inc.
 ENGINEERS PLANNERS
 LANDSCAPE ARCHITECT • SURVEYORS
 205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hpr.com fax: 503.221.1171

SITE PLAN
WILLAMETTE DRIVE STARBUCKS
WEST LINN, OREGON

SHEET NO. **1** OF **1**
 JOB NO. MFJ-03

PD-5 PUBLIC COMMENTS

Marilyn Frankel
Carol Pulvermacher
3364 Walling Way
West Linn, Oregon 97068
July 18, 2015



Peter Spir
Associate Planner, City Hall
22500 Salamo Rd
West Linn, Oregon 97068

Dear Mr. Spir,

We are responding to the letter titled "Notice of Upcoming Planning Manager Decision File No. DR-15-09 sent to us in regards to the proposed modification of the former Bank of the West drive up aisles to accommodate a Starbucks drive through. As per the letter we would like to raise the following concerns as it relates to our property at 3364 Walling Way.

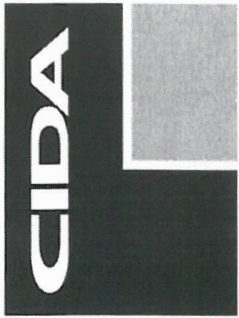
- 1) We would like to know the hours of operation of the drive through and to request a quiet period from 10:00 pm to 6:00 am.
- 2) Speakers for the drive through be pointed away from residential area.
- 3) Perhaps a Wall be erected on the outside of the lanes for the drive through to help contain any noise to the window areas and not the neighborhood.
- 4) Proper trash and rodent control be addressed as that is already a problem in the area and we would not like it increased.
- 5) Lights pointed away from residential areas and directed down at drive through.
- 6) No overnight parking allowed.

Thank you for your consideration of these issues in your decision.

Marilyn Frankel, 503 635-2558
Carol Pulvermacher, 971 533-6266

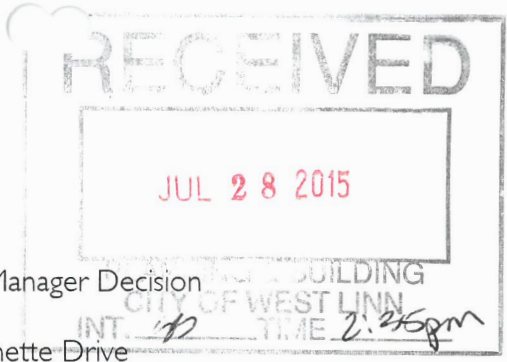
Mary Grace McDermott telephoned re: Starbucks on 7-20-15

She expressed concern about traffic entering and leaving the site



15895 SW 72ND AVE
 SUITE 200
 PORTLAND, OR 97224
 PHONE: 503.226.1285
 FAX: 503.226.1670
 INFO@CIDAINC.COM
 WWW.CIDAINC.COM

July 28, 2015



RE: Letter of Concern – Upcoming Planning Manager Decision
 File No. DR-15-09
 Starbucks Drive Through at 18900 Willamette Drive

Dear Mr. Spir,

On behalf of Berrey Investment, LLC, I would like to express some concerns regarding the proposed project that the West Linn Planning Manager is currently considering. As a representative of a neighboring land owner, there are parking and access design elements that do not appear to meet West Linn Community Development Code requirements. These issues pose a significant concern as they are likely to negatively impacting the adjacent properties.

In review of the plans, we do not believe that the proposed parking meets the minimum requirements of the CDC. The applicant has utilized several available mechanisms to reduce the required minimum number of parking stalls from 49 to 41. Regarding these reductions, we do not feel that the proposed uses should qualify for the proposed joint use parking reduction as allowed in 46.050. Although the applicant indicates that they have documented a low number of parking stalls actually utilized for the current medical use, there would be no land use action required to allow a different medical use to move into the facility. It is likely that a new medical user would have a parking need much higher than the current use. In fact, although code requires a 1 space per 250 square feet of medical office space, market generally demands 1 space per 200 square feet for these uses. It should also be noted that the peak parking demands for a medical facility (including the current kidney dialysis clinic), and a Starbucks facility generally occur at the same time and therefore the intent of the joint parking reduction is not met.

In addition to the concerns regarding the reductions, we do not believe that the proposed parking itself meets the standards in Chapter 46.150. In order to access five of the proposed stalls, a car would have to actually go through the drive-through lane. We do not believe this provides 'clear access, whereby the relocation of other vehicles to utilize the parking space is not required.' as required by criteria #5. If even one car is in the drive through, these five parking spaces could not be accessed without moving that car, or waiting for that car to move. We also do not believe these stalls meet criteria #21, requiring the parking and circulation patterns to be easily comprehended and defined.

It also does not appear that these five stalls meet the dimensional standards indicated for parallel parking stalls. Based on the parallel parking figure provided in chapter 46, only the end stalls can be 20' long, the middle stalls are to be 23' minimum in length. The current plan shows all five stalls at 20' in length, so 9' additional length would need to be provided for these stalls to comply with the dimensional standards.

Furthermore, we do not believe that the proposed 'on street' parking is viable. The area at these proposed parking spaces is currently signed 'No Parking' and the road is too narrow to safely allow on-street parking.

ARCHITECTURE
 ENGINEERING
 PLANNING
 INTERIORS
 LANDSCAPE

Given the above concerns, we feel that the minimum parking stalls should be reduced to no less than 45 stalls and believe the proposed design provides only 32 parking stalls that meet CDC requirements.

As the adjacent property owner, we are deeply concerned that the lack of parking will result in folks utilizing our lot as overflow parking, when they are not able to find parking on the subject property.

In addition to the concerns regarding the parking, we have access and circulation concerns both on site and off site.

The proposed access drive configuration will force all the drive-through traffic, and much of the balance of the egress traffic onto Walling Road. We anticipate that this will result in a significant number of cars queued on Walling Road trying to get onto Willamette Drive. Given the two way traffic on Willamette Drive, cars waiting to turn from Walling Road to go south, will be especially problematic. These queued cars will undoubtedly block the south drive to the adjacent property as well as cause congestion at that driveway.

We also believe that the concern regarding pedestrian circulation on site persists despite the reconfiguration. It is not clear how ADA access is provided between the accessible parking stalls and the Starbucks entrance. We also are concerned that the proposed design will result in pedestrians going through the drive through lane on their way to the Starbucks entrance. The idea that a pedestrian would cross the traffic aisle twice to utilize the sidewalk in front of the medical building and then back to the Starbucks entrance seems implausible.

Based on these concerns, we feel that the applicant should be asked to re-evaluate the proposed design to provide a layout that has suitable parking, safe circulation patterns and minimal impact to traffic congestion on the adjacent roadways.

Thank you for your time and consideration of our concerns.



Tara W. Lund, LEED AP BD+C
Principal Architect, CIDA, Inc.

Cc: Mike Berrey, Berrey Investment, LLC
File

Wyss, Darren

From: cmu@comcast.net
Sent: Friday, July 31, 2015 10:02 AM
To: Wyss, Darren
Subject: Fwd: starbucks on 43

I received an autoreply that Peter was out of the office. I am forwarding my written testimony on this matter to ensure the deadline. Thanks.

From: cmu@comcast.net
To: "Peter Spir" <pspir@westlinnoregon.gov>
Cc: "Larry T. Ullman" <larry.ullman@penwool.com>
Sent: Friday, July 31, 2015 9:44:05 AM
Subject: starbucks on 43

Hi, Peter: I am writing in response to the proposed Starbucks at the Bank of the West site. I met with you (and our realtor) last year as my husband and I were contemplating buying a property at 18705 Rose Way to investigate the city ordinances and the possible restrictions to building a garage or small ADU on our rather large lot. You were very helpful. We ended up purchasing the property late July of 2014 and have lived here a year. In that time, we have noticed an uncommon amount of traffic on our "little" Rose Way (six houses). We have discovered that Rose Way offers a nice cut through for people on River Road going to 43 as Fairview Road offers a better entree to 43 than Walling Way does. The restaurants (Bugatti, Thai Orchid and McDonald's) can produce many cut-throughs as well during dinner time. Additionally, many big trucks cut through, either lost, or working on road construction. My concern relates to the the amount of additional traffic a drive through at the Bank of the West property could cause to our little street. I have seen small barriers erected to prevent motorists from driving into a neighborhood. I do not know what would be appropriate here. But please consider the residents on Rose Way. Many of the households have been here 30 years plus and would like to enjoy the tranquility of our small piece of the Robinwood neighborhood. I ask that you take this seriously into consideration as you make this decision.

On some levels it seems a good option for this property from the view of Highway 43. Some of the structures are already in place and Starbucks could expand its small storefront. Which brings to mind my other concern. Starbucks leaving an empty storefront on the street next to Bugattis is not a good thing. There are too many empties around this portion of West Linn. Thank you for taking my concerns into your planning. Please contact me if you have any more interest in my opinion.

Carolyn Ullman
18705 Rose Way
West Linn, OR 97068
503-708-0650

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
May 21, 2015

SUBJECT: Conversion of an existing commercial building into a drive through Starbucks at 18900 Willamette Drive.

FILE: PA-15-20

ATTENDEES: Applicant/Consultants: Keith Jones (HHPR), Beau Braman (HHPR), Greg Burpee, Roger Burpee
Staff: Peter Spir, Associate Planner,
Public: Karen Park (Bolton N.A.)
ODOT: Pam Johnson, Doug Baumgartner

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Site Information

Site Address: 18900 Willamette Drive
Site Area: 78,226 square feet
Neighborhood: Robinwood
Comp. Plan: Commercial
Zoning: GC (General Commercial)
Environmental Overlays: Water Resource Area (WRA)

Proposal: The applicant proposes to convert the vacant Bank of the West building into a Starbucks with a drive through window. The existing drive through teller facilities at the rear of the building can be adapted for this purpose. There is a stacking requirement of 10 vehicle lengths per take out window. Parking for a 3,000 square foot restaurant/café is one space per 100 square feet of gross floor area which translates to 30 spaces.

Design Review Class I is required per CDC 55.020(A) (1) (3). This is a Planning Director decision. Criteria will focus on any changes to the building elevation (e.g. take out window), new pedestrian access from parking lot, bike racks, etc.

No WRA permit is required because all development will occur outside the WRA boundaries which only extend into the wooded area at the southeast corner of the property.

ODOT comments: See ODOT memo 6504 dated May 27, 2015 (Pamela.JOHNSON@odot.state.or.us)

Engineering Comments: See CDC 185.170(B) to determine if a TIA is required. Provide Storm Water solution (contact Khoi Le at Kle@westlinnoregon.gov)

Building Department comments: verify SDC's for change of use. (contact Jim Clark at jclark@westlinnoregon.gov)

Tualatin Valley Fire and Rescue contact: Ty Darby at ty.darby@tvfr.com.

Process

For the Class I Design Review, address the submittal requirements and responses to the criteria of 55.070(D). Approval criteria would speak primarily to architecture, parking, circulation and parking lot. If a Class I Variance is needed, Chapter 75 would apply. N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver. No neighborhood meeting is required per 99.038.

The Design Review fee is \$2,100; a Class I Variance costs \$825. **Please note that fees may change after July 1, 2015, with a new Master Fee Schedule.** The CDC is online at <http://westlinnoregon.gov/cdc>.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is declared complete, staff will schedule the Planning Manager's decision date and post notice. There is a 14-day window to appeal the Planning Manager's decision to City Council. If no appeal has been received by the close of the appeal period, the Planning Manager's decision becomes final and the applicant may move forward with the development of their proposal.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***

DEVELOPMENT REVIEW APPLICATION

| For Office Use Only | | |
|--|--------------------------------|---------------------|
| STAFF CONTACT <i>Peter Spir</i> | PROJECT No(s). <i>DR-15-09</i> | |
| NON-REFUNDABLE FEE(S) <i>2,100-</i> | REFUNDABLE DEPOSIT(S) | TOTAL <i>2,100-</i> |

Type of Review (Please check all that apply):

- | | | |
|--|---|--|
| <input type="checkbox"/> Annexation (ANX) | <input type="checkbox"/> Historic Review | <input type="checkbox"/> Subdivision (SUB) |
| <input type="checkbox"/> Appeal and Review (AP) * | <input type="checkbox"/> Legislative Plan or Change | <input type="checkbox"/> Temporary Uses * |
| <input type="checkbox"/> Conditional Use (CUP) | <input type="checkbox"/> Lot Line Adjustment (LLA) */** | <input type="checkbox"/> Time Extension * |
| <input checked="" type="checkbox"/> Design Review (DR) | <input type="checkbox"/> Minor Partition (MIP) (Preliminary Plat or Plan) | <input type="checkbox"/> Variance (VAR) |
| <input type="checkbox"/> Easement Vacation | <input type="checkbox"/> Non-Conforming Lots, Uses & Structures | <input type="checkbox"/> Water Resource Area Protection/Single Lot (WAP) |
| <input type="checkbox"/> Extraterritorial Ext. of Utilities | <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Water Resource Area Protection/Wetland (WAP) |
| <input type="checkbox"/> Final Plat or Plan (FP) | <input type="checkbox"/> Pre-Application Conference (PA) */** | <input type="checkbox"/> Willamette & Tualatin River Greenway (WRG) |
| <input type="checkbox"/> Flood Management Area | <input type="checkbox"/> Street Vacation | <input type="checkbox"/> Zone Change |
| <input type="checkbox"/> Hillside Protection & Erosion Control | | |

Home Occupation, Pre-Application, Sidewalk Use, Sign Review Permit, and Temporary Sign Permit applications require different or additional application forms, available on the City website or at City Hall.

18900 Willamette Drive

Assessor's Map No.: **21E23AA**

Tax Lot(s): **1400**

Total Land Area: **1.8 Acres**

Brief Description of Proposal: Convert vacant bank building with drive-through into a Starbucks Coffee store. Only minor exterior changes will be completed including adding 5 additional parking spaces, limited new paving (less than 1,000 square feet of new impervious area) and installing a new drive-up window.

Applicant Name: Roger Burpee, Managing Partner - West Linn Investors LLC Phone: (503) 490-9558
(please print)

Address: PO Box 487

Email: rburpee@me.com

City State Zip: Lake Oswego, OR 97034

Owner Name (required): Same as applicant
(please print)

Phone:

Address:

Email:

City State Zip:

Consultant Name: Keith Jones, Harper Houf Peterson Righellis Inc.
(please print)

Phone: (503) 221-1131

Address: 205 SE Spokane Street, Suite 200

Email: keithj@hhpr.com

City State Zip: Portland, OR 97202

1. All application fees are non-refundable (excluding deposit). **Any overruns to deposit will result in additional billing.**

2. The owner/applicant or their representative should be present at all public hearings.

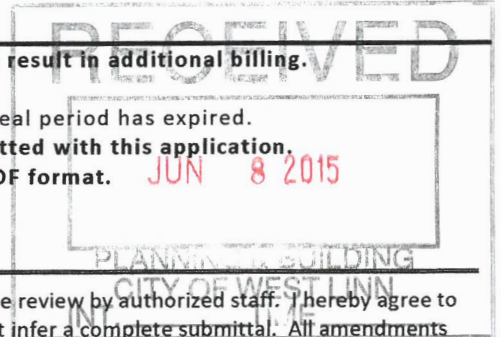
3. A denial or approval may be reversed on appeal. No permit will be in effect until the appeal period has expired.

4. **Three (3) complete hard-copy sets (single sided) of application materials must be submitted with this application.**

One (1) complete set of digital application materials must also be submitted on CD in PDF format.

If large sets of plans are required in application please submit only two sets.

* No CD required / ** Only one hard-copy set needed



The undersigned property owner(s) hereby authorizes the filing of this application, and authorizes on site review by authorized staff. I hereby agree to comply with all code requirements applicable to my application. Acceptance of this application does not infer a complete submittal. All amendments to the Community Development Code and to other regulations adopted after the application is approved shall be enforced where applicable. Approved applications and subsequent development is not vested under the provisions in place at the time of the initial application.

Roger Burpee, Man. Partner 6-2-15
 Applicant's signature _____ Date _____
West Linn Investors LLC

Roger Burpee Man. Partner 6-2-15
 Owner's signature (required) _____ Date _____
West Linn Investors LLC

Andrew Mulkey

Attorney at Law

PO Box 66562, Portland, OR 97290 • (503) 334-9899 • andrew@mulkeylegal.com

April 1, 2026

Via Email

West Linn Planning Commission
c/o Darren Wyss
dwyss@westlinnoregon.gov
22500 Salamo Rd.
West Linn, Oregon 97068

Re: Planning Commission Response Period Comments for
CUP-25-03/DR-25-02/VAR-25-02

Members of the West Linn Planning Commission,

On behalf of Ms. Elizabeth Dietz, please accept the following letter for the record in the Kaady application for a car wash on Willamette Drive. Ms. Dietz is submitting these comments in her personal capacity.

I write to point out one or two glaring omissions from the applicant's materials, both of which are relevant to the Planning Commission's ability to deny the applications based on CDC 60.070(A)(7) and 60.070(A)(3).

The applicant has submitted additional evidence that clarifies that the wash water would be directed to the sanitary sewer system. The applicant has also stated that not all the chemicals listed on his websites are used as part of his car wash businesses. However, the applicant has failed to provide much information or clarity at all on the specific chemicals that would be used as part of the proposed car wash or whether the sanitary sewer system is capable of adequately treating those chemicals.

- The applicant has not provided any lists of the chemicals in the various soaps, sprays, shines etc. that would be used (or could be used in the future).
- The applicant has not provided any safety data sheets for the chemicals used.
- Even then it is not always clear that all potentially hazardous chemicals are disclosed. In many instances, PFAS or forever chemicals, may not be disclosed as specific ingredients or not disclosed as part of a "proprietary ingredient."

- Regulation has not yet caught up to the threat; the applicant has not demonstrated that any regulatory authority (required or voluntary) addresses or prohibits the use of PFAS in the operation of the applicant’s proposed use.

The evidence in the record shows that wash water containing potentially hazardous chemicals will be sent to the sanitary sewer system. Without knowing the chemicals used, it is impossible to demonstrate that the sanitary sewer system can adequately treat them.

The evidence also shows that—at the very least—water and chemicals deposited on cars will leave the car wash and can be directed to the storm water system as wet cars drip water on their way out. The photos below clearly show that is the case.



Fig. 1. Burnside.



Fig. 2 NE 117th and NE Rosewood, Vancouver, Washington, taken on a clear day with no rain, around 5:00 PM.

Why is this an issue? The applicant needs to demonstrate that the proposal will comply with the comprehensive plan policies as well as provide an overall benefit to the City. This a car-centric use in an area that the plan policies directed the Planning Commission to provide for more community oriented and unique commercial uses and re-development. The applicant's proposal is neither of those things.

In addition, allowing a car-centric use that directs undisclosed chemicals to local water treatment facilities and to stormwater systems that drain into nearby waterways does not demonstrate compliance with the policies of the comprehensive plan or demonstrate an overall benefit to the city.

A recent study of San Francisco Bay Area wastewater that quantified PFAS in wastewater found that "industrial laundries showed the highest concentrations, *followed by car washes.*" I have attached additional materials on the harms and risks associated with forever chemicals, with excerpts below:

“Per- and polyfluoroalkyl substances (PFAS) are a class of at least 9,000 synthetic chemicals that have been used since the 1940s * * * [a]nd yes, they’re also found at the car wash.”

“Available evidence suggests that PFAS chemicals may be found in at least some car waxes or polishes, which, unsurprisingly, are valued for their ability to shed water and provide a glossy finish.”

“PFAS degrade very slowly in nature, meaning once released, these chemicals can persist for decades, spreading through water systems, accumulating in soil, and building up in the human body.”

“PFAS exposure has been linked to kidney and testicular cancers, reduced fertility in adults, and lower birth weights in infants. Some PFAS have been proven to disrupt hormone regulation and the endocrine system, which can interfere with growth, reproduction and development. Others may weaken the immune system, harm the liver, or impede thyroid function.”

“if PFAS are being used in carwashes across the country, and they are being rinsed into drains and absorbed by local water systems, the risk is no longer just individual; it’s widespread and environmental.”

“The simple act of taking your car for a wash could result in toxic, potentially deadly, chemicals leaching into your reservoirs, contaminating your local recreational waterways or poisoning native aquatic wildlife.”

The Applicant Also Fails to Meet the Requirements for a Variance:

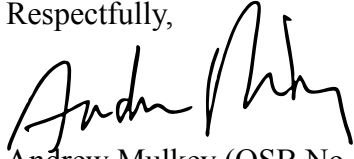
It is also worth noting that Figure 2 above demonstrates that the applicant does not meet the requirements for variance because the decision not to comply with the code requirements for windows is of the applicant’s own making. The car wash above demonstrates that the applicant could comply with the glazing requirement.

Conclusion:

I request that the Planning Commission vote to deny the application for the conditional use as well as the variance. The applicant’s proposal is not consistent with the comprehensive plan policies (CDC 60.070(A)(7)) and would not provide an overall benefit to the City (CDC 60.070(A)(3)). The Planning Commission has the authority, the discretion, and ample evidence in the record to make findings and deny the application for a car centric use that has failed to disclose the chemicals that it will be sending to water treatment facilities and out into the stormwater system and broader environment.

///
///
///

Respectfully,

A handwritten signature in black ink, appearing to read "Andrew Mulkey". The signature is fluid and cursive, with the first name "Andrew" written in a larger, more prominent script than the last name "Mulkey".

Andrew Mulkey (OSB No. 171237)

PO Box 66562

Portland, OR 97290

(503) 334-9989

andrew@mulkeylegal.com

Enclosures:

Exhibit 2 and 3



PFAS: The 'forever chemicals' found at the local car wash

The toxic PFAS in car wash foam, waxes and coatings doesn't stay at the car wash or even on your car.

TOXIC THREATS

JULY 30, 2025

JLMedia | Pixabay.com



Paul Brennan | Public Domain



A routine car wash may hide a toxic threat

It's a hot summer day, so you decide to swing by your local car wash for a quick rinse. A thick coat of soap foams up on your car, then washes away. That's followed by a spray, a bright wax finish and an air dry.

Everything looks clean and shiny, so you drive off, satisfied and ready to hit the open road.

But while your car looks good, you, the workers at the car wash, and the surrounding community may have just been exposed to a class of toxic chemicals that neither break down nor stay put.

What are PFAS, and why are they harmful?

Per- and polyfluoroalkyl substances (PFAS) are [a class of at least 9,000 synthetic chemicals](#) that have been used since [the 1940s to make products resist water, stains and heat](#). They've been found in everything from nonstick pans and stain-proof carpets to firefighting foam and cosmetic items. And yes, they're also found at the car wash.

That's cause for concern for a few reasons. First, PFAS [degrade very slowly in nature](#), meaning once released, these chemicals can persist for decades, [spreading through water systems, accumulating in soil](#), and [building up in the human body](#).

This toxic buildup can lead to some serious health implications. PFAS exposure has [been linked to kidney and testicular cancers, reduced fertility in adults, and lower birth weights in infants](#). Some PFAS have been [proven to disrupt hormone regulation and the endocrine system](#), which can interfere with growth, reproduction and development. Others may [weaken the immune system, harm the liver, or impede thyroid function](#).

Even small amounts of PFAS can be harmful over time, and exposure is already widespread. According to the Center for Disease Control (CDC), around [97% of Americans already have detectable levels of PFAS in their blood](#).

How PFAS get released at the car wash

So PFAS are toxic, and (while we hate to be the bearers of bad news) probably already in your body. But all that doesn't explain how they end up at the car wash.

Available evidence suggests that PFAS chemicals may be found in at least some [car waxes or polishes](#), which, unsurprisingly, are valued for their ability to shed water and provide a glossy finish.

Some waxes and polishes are sprayed directly onto the surface of a vehicle during detailing or washing. But once applied, they don't necessarily stay on the car for long. As these chemicals rinse off, the runoff water [may pick up other contaminants, including road debris, oil and grease](#). This toxic, potentially PFAS-laced, sludge can then flow into [local storm drains and waterways, contaminate nearby groundwater and waste systems](#), or leach into the soil.



What does this mean for your health and community?

If you're a customer, the occasional car wash likely isn't your biggest source of PFAS exposure. Unfortunately, these chemicals are found in dozens, perhaps hundreds, of household products that you'd never expect, and probably already own.

But, if PFAS are being used in carwashes across the country, and they are being rinsed into drains and absorbed by local water systems, the risk is no longer just individual; it's widespread and environmental.

Once it reaches drains or waterways, runoff from commercial car washes doesn't stay put. Instead, it [can move and travel with the water, often unpredictably](#), meaning chemicals sprayed on your car to improve the shine could end up leaching into someone's drinking water miles away.

The simple act of taking your car for a wash could result in toxic, potentially deadly, chemicals leaching into your reservoirs, contaminating your local recreational waterways or poisoning native aquatic wildlife.

How to reduce PFAS exposure at the car wash

We're not saying that you should never wash your vehicles again. But if you're a frequent car wash customer, there are a few simple steps you can take to reduce your exposure to PFAS chemicals:

- Ask your car wash or auto shop whether their waxes, coatings or lubricants contain PFAS.
- Skip the potentially toxic extra shines and wax treatments.
- Ask your local officials to test your town's water and drainage systems for PFAS contamination.
- Wash your car at home, and [avoid products labeled with "Teflon" or "PTFE."](#) Instead stick to basic soap and water.

For car wash facilities and workers, minimizing PFAS exposure means phasing out the products treated with these chemicals, especially coatings, waxes and lubricants. Facilities should also test their wastewater regularly and report levels to local authorities or environmental agencies.

If a car wash still relies on PFAS-laced sprays or finishes, it should provide workers with adequate protective equipment, including gloves, arm covers, masks and eye protection.

We need stronger rules to stop this contamination

While taking precautions to protect yourself, your family and your community from PFAS contamination is important, the real solution to this growing threat is better state and federal regulations.

We shouldn't have to rely on the vigilance of consumers, workers and facility owners to ensure that our drinking water is safe. We need more policies, stronger regulations and more frequent testing to limit this pollution and the detrimental risks it poses to our health.

States like Washington, Vermont and Colorado have already taken action to ban PFAS from products like furniture, cosmetics, food packaging or cookware. While these bans are promising, we still need more action to phase out PFAS from consumer products and keep it out of our environment and bodies.

Getting a new wax for your car, purchasing a new shirt or cooking with a pan shouldn't come at the cost of your health or your community's safety.

Together we can urge our legislators, lawmakers and agencies to take a stand against PFAS contamination, and help make America a safer, healthier and more sane place to live.



Bay Area Clean Water Agencies and San Francisco Estuary Institute

Study of PFAS in Bay Area Wastewater

KEY POINTS

PFAS are ubiquitous in numerous everyday products and in the environment.

As long as PFAS continues to be produced and used in consumer products, PFAS will be present in wastewater influent, effluent, and biosolids.

WHAT MAKES THIS STUDY UNIQUE?

This study quantified PFAS in wastewater using a comprehensive lab method called the Total Oxidizable Precursors (TOP) assay. This method quantifies more of the PFAS than other typical lab methods, which means this study was able to better track PFAS through the treatment process. Sampling of residential areas was another unique study feature.

WHERE IS THE PFAS IN WASTEWATER COMING FROM?

Residential users appear to be a significant source of PFAS to Bay Area wastewater treatment plants. Among industrial and commercial facilities included in this study, industrial laundries showed the highest concentrations, followed by car washes.

HOW MUCH PFAS IS IN BAY AREA WASTEWATER?

PFAS concentrations in Bay Area wastewater (see Figure 1 on page 3) were similar to levels seen in other communities in California. There are currently no PFAS standards directly applicable to biosolids or San Francisco Bay wastewater discharges. Most biosolids samples were below the “action levels” for land application recently adopted in other states.

What are PFAS?

Per- and polyfluoroalkyl substances (PFAS) are a large group of human-made compounds that are resistant to heat, water, and oil. Common PFAS-containing products include non-stick cookware, cardboard/paper food packaging, water-resistant clothing, carpets, personal care products, and fire-fighting foam. PFAS do not break down in the environment, can accumulate within the human body, and can be toxic at relatively low concentrations.

Publicly Owned Treatment Works (POTWs) receive PFAS from residential, commercial, and industrial customers in their service areas. Some PFAS transform to other PFAS compounds during the treatment process, but are not destroyed. PFAS received in POTW influent ultimately partition into effluent, air, or biosolids depending on the individual compound’s chemical characteristics.



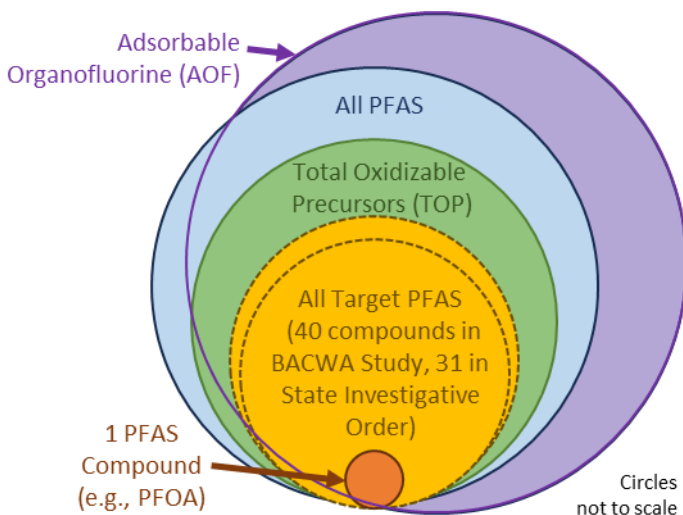
Why did BACWA Complete this Study?

In 2019, the State Water Board started requiring testing of drinking water systems and other high-risk locations for PFAS such as landfills, airports, industrial chrome-platers, refineries & bulk terminals, and POTWs^a. The Bay Area Clean Water Agencies (BACWA) worked with State and Regional Water Board staff to respond to the need for testing at POTWs. BACWA worked with scientists at San Francisco Estuary Institute (SFEI) to design and complete a two-phase study^{b,c}:

- **Phase 1** (Fall 2020). Fourteen representative facilities collected influent, effluent, and biosolids samples to test for PFAS. Facilities were selected based on their size, location, level of industry in their service area, treatment technology, and whether they had participated in previous SFEI PFAS studies, so that trends in individual PFAS compounds could be tracked over time. The final report for Phase 1 was released in October 2021^d.
- **Phase 2** (Mid-2022). Seven facilities collected influent and effluent samples, and five of the seven also collected biosolids samples for PFAS analysis. Samples were also collected upstream of POTWs in residential areas and at select industrial and commercial facilities. Industrial facilities were selected that had not already been included in the State Water Board’s investigative orders. Phase 2 was completed by larger agencies that volunteered to participate. Results from Phase 2 were shared at the Regional Monitoring Program Annual Meeting in October 2023^e, and the final report for Phase 2 was completed in December 2023. The report is available from BACWA staff upon request.

While the State Water Board required wastewater samples (influent, effluent, biosolids) to be measured for a specified 31 individual PFAS analytes, the BACWA-SFEI study went beyond this list and used a target method that included 40 individual analytes. Additionally, this study included another method called the Total Oxidizable Precursors (TOP) assay. The TOP assay involves oxidizing the sample to convert PFAS to terminal transformation products, then analyzed

with the Target method. The total PFAS quantified with the TOP method includes not only the 40 analytes in the Target method, but additionally includes PFAS precursors that can transform to those 40 analytes. The advantage of the TOP analysis is that it gives a better estimate of all PFAS in a sample, and not just the 40 individual analytes included in the analytical method (see conceptual schematic at left). Both the target and TOP assay quantified PFAS using USEPA Method 1633. Phase 2 also included analysis of Adsorbable Organofluorine (AOF) via USEPA Draft Method 1621.





What did the Study Find?

KEY FINDING

In Phase 2, TOP analysis was completed for influent, effluent, and biosolids from 5 facilities.

On average, about half of the mass of total quantified PFAS contained in POTW influent was partitioned to biosolids.

Phase 1 of the study demonstrated that sampling a representative selection of POTWs (rather than all POTWs) was an appropriate strategy for characterizing PFAS. PFAS levels were similar across the 14 participating facilities, as summarized in the Phase 1 report^d. Both phases of this BACWA-SFEI study showed similar results to the State Water Board’s Investigative Order^f for the targeted analysis. This study also showed that the targeted analysis only captures a fraction of total PFAS compounds. In Phase 2 influent samples, for example, the median for sum of PFAS via the TOP method was 5 times greater than the median for sum of PFAS via target analysis, while the ratio was about 2 for effluent.

Phase 2 showed that PFAS in influent is both transformed and partitioned to biosolids before leaving as treated effluent, as shown below in **Figure 1**. This finding may seem self-evident, but the results of the Phase 1 study and the statewide Investigative Order were not conclusive on this point. Based on targeted analysis, the total quantified PFAS concentration is often *higher* in effluent than influent, potentially leading to the false conclusion that PFAS are added or created within treatment plants. As expected, total quantified PFAS based on Phase 2 TOP analysis conclusively showed substantial removal from influent to effluent at each of the seven facilities sampled (*see orange bars for influent and effluent, Figure 1*). AOF data showed a similar trend.

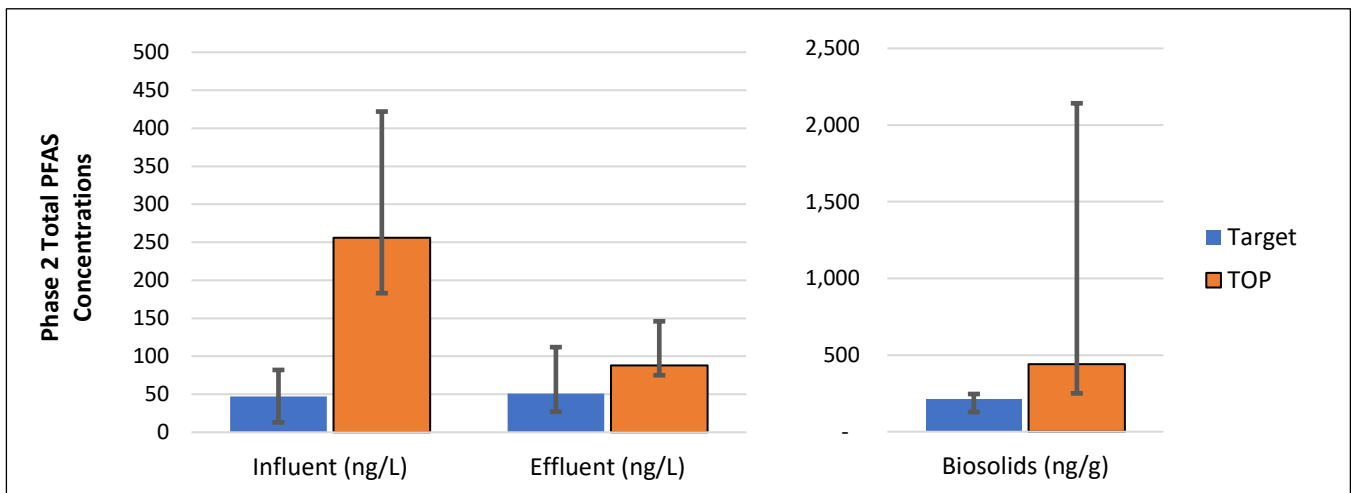


Figure 1. Phase 2 Total Quantified PFAS based on a sum of targeted analysis of 40 compounds (“Target”) and Total Oxidizable Precursors analysis (“TOP”). Note TOP results includes 40 compounds included in Target method, plus PFAS precursors that are converted to one of the 40 Target compounds. Influent and effluent data are in units ng/L and Biosolids are in ng/g (dry weight). The height of each bar chart indicates the median, while the error bars show the minimum and maximum. Phase 1 data are excluded because the TOP analysis was not performed.



How do PFAS Levels in Bay Area Wastewater Compare to Regulatory Thresholds?

There are currently no water quality criteria for PFAS directly applicable to San Francisco Bay. USEPA has developed draft aquatic life criteria^g, and plans to develop human health criteria based on fish consumption (see side bar). Although surface water quality criteria are still in development, both the State Water Board and USEPA have developed regulatory thresholds for drinking water. Drinking water criteria are not applicable to most Bay Area POTWs, since the Bay is not used as a drinking water supply. They are included here for informational purposes only.

The State Water Board has adopted notification levels of 6.5 ng/L for perfluorooctane sulfonic acid (PFOS), 5.1 ng/L for perfluorooctanoic acid (PFOA), and 3 ng/L for perfluorohexane sulfonic acid (PFHxS)^h. The USEPA’s proposed drinking water Maximum Contaminant Level (MCL) is 4 ng/L for PFOS and PFOAⁱ. The proposed MCL for PFHxS is included as part of a unitless “Hazard Index.” Effluent concentrations observed from Phase 1 and 2 are compared to these thresholds in **Figure 2**. Although production of both PFOS and PFOA has been phased out in the United States, these compounds were detected in all but one of the study’s effluent samples. Some PFOS and PFOA may come from the transformation of other PFAS compounds. Typical concentrations were near or above the proposed federal MCLs.

PFAS IN THE BAY



Through the Regional Monitoring Program, SFEI scientists are monitoring PFAS in San Francisco Bay water, sediment, and sport fish. PFOS is the predominant compound in sport fish, and fish caught in the South Bay have the highest concentrations. Stormwater and wastewater are both possible sources of PFAS in sport fish.

As part of its PFAS Strategic Roadmap, USEPA is planning to publish water quality criteria based on fish consumption in Fall 2024. In the future, the levels of PFAS in sport fish may cause San Francisco Bay to be listed as an impaired water body per section 303(d) of the federal Clean Water Act.

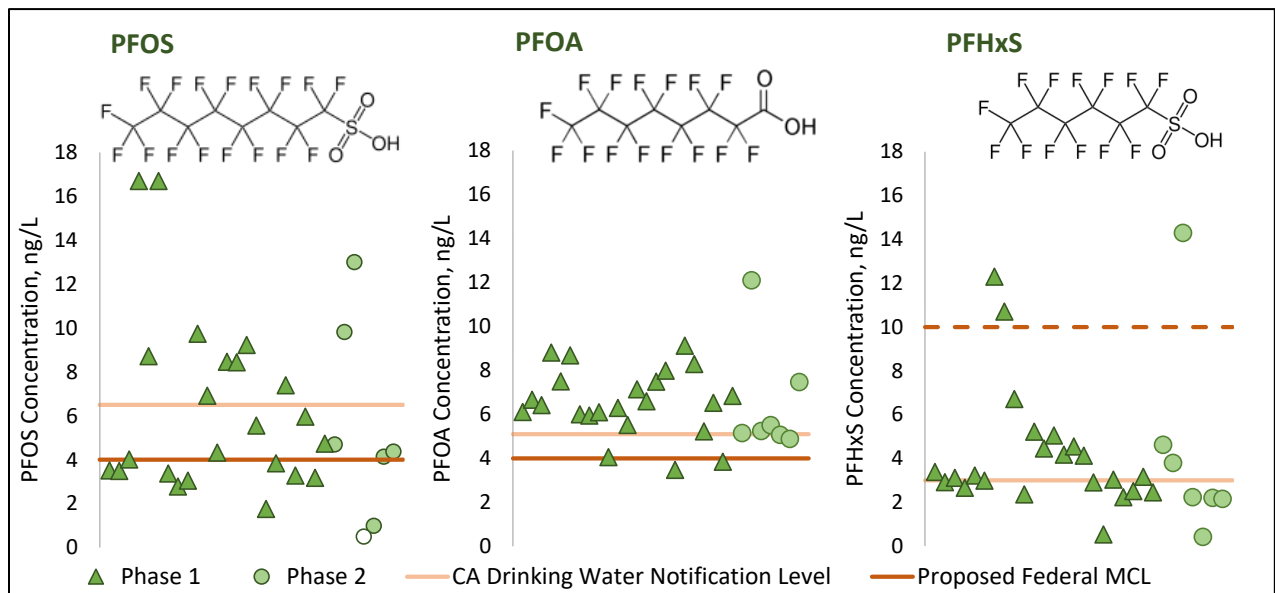


Figure 2. Phase 1 and 2 effluent concentrations of PFOA, PFOS, and PFHxS compared to California notification levels and proposed USEPA Maximum Contaminant Levels (MCLs) for drinking water. For PFHxS, the proposed MCL is illustrated with a dashed line at 10 ng/L; the unitless Hazard Index of 1.0 is calculated by dividing PFHxS concentrations by 10. The 3 other compounds included in the Hazard Index were primarily non-detects. The open circle for PFOS indicates a non-detected value; all filled shapes indicate a detected result.



How do PFAS Levels in Bay Area Biosolids Compare to Regulatory Thresholds?

PFAS is a potential concern for biosolids end uses, particularly land application or other uses where PFAS could migrate to food crops or drinking water. There are currently no federal or state standards for PFAS in biosolids. However, several other states have established “action levels” for biosolids that may be “industrially impacted.” When PFOA or PFOS concentrations in biosolids exceed the action level of 20 ng/g ($\mu\text{g}/\text{kg}$ or ppb), utilities in Michigan^j and New York^k are subject to restrictions on biosolids recycling. In this BACWA-SFEI study, the only biosolids samples that exceeded these thresholds were from agencies that have exceptionally long storage times in lagoons and storage beds, which may allow more time for PFAS transformations to occur or allow PFAS to become more concentrated on a dry weight basis.

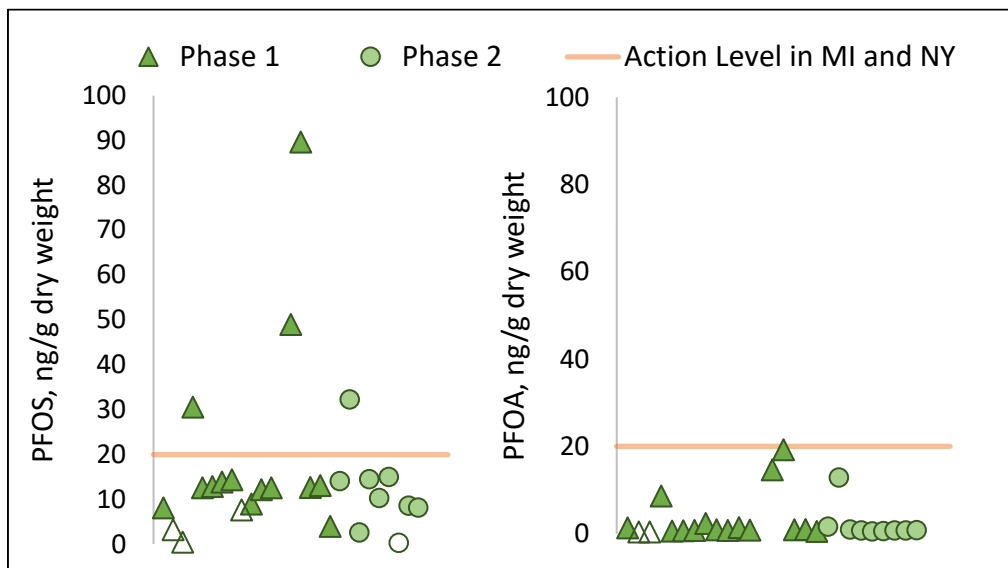


Figure 3. Phase 1 and 2 biosolids concentrations of PFOA and PFOS (ng/g dry weight) compared to action levels in Michigan and New York. Filled shapes indicate detected values. Unfilled shapes indicate non-detects.

Where is PFAS in Bay Area Wastewater Coming From?

To identify potential sources of PFAS, Phase 2 of the BACWA-SFEI study focused on sampling in residential areas and at commercial and industrial facilities. Samples were collected from residential areas (n=14), industrial laundries (n=5), hospitals (n=4), facilities with chrome plating onsite (n=3), semiconductor manufacturing (n=2), car washes (n=3), a military site, and a pulp paperboard manufacturing facility. Landfill leachate is also a known source of PFAS in wastewater that was previously sampled under a State Water Board investigative order^a.

Results of this study’s collection system monitoring are shown in **Figure 4** and indicate that:

- **Residential** samples showed a large range of total quantified PFAS concentrations. The median sum of TOP and target analytes were only slightly lower than those found in plant influent.
- **Industrial Laundries.** Concentrations of total quantified PFAS measured as TOP were significantly higher than median influent concentrations at several (but not all) industrial



laundries. These facilities typically launder uniforms, linens, floor mats, and similar items. Some laundered textiles could contain intentionally added PFAS (e.g., for stain resistance).

- **Car Washes** showed total PFAS measured as TOP at moderately higher concentrations than plant influent. Unlike industrial laundries, however, there were not any extremely high values at the car washes, and discharge flow rates tend to be lower at the car washes.

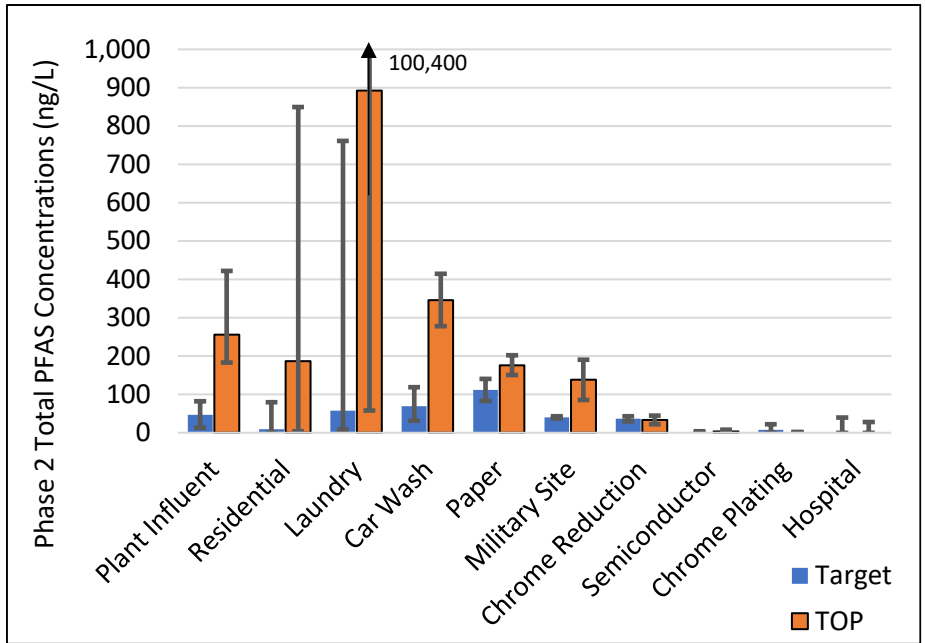
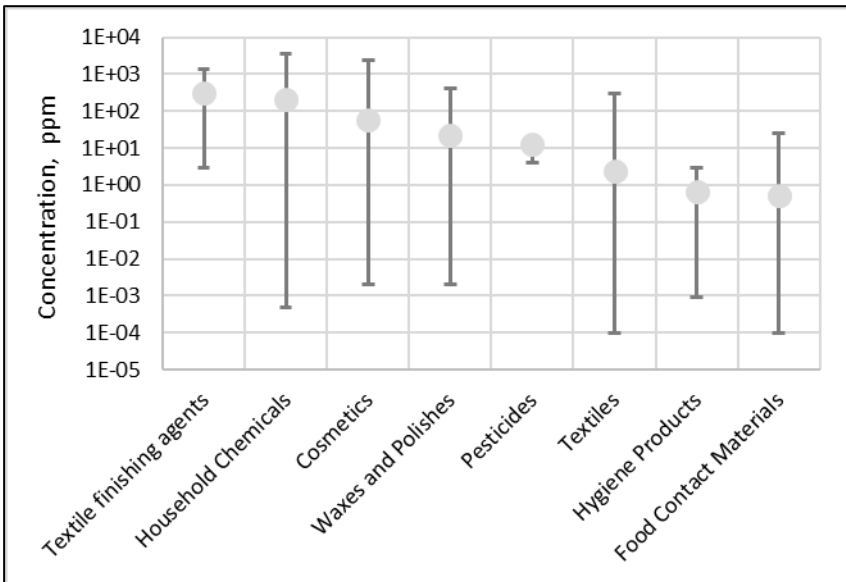


Figure 4. Comparison of Phase 2 plant influent results with residential, commercial, and industrial wastewater (ng/L). Total PFAS is based on a sum of targeted analysis of 40 compounds (“Target”) and Total Oxidizable Precursor analysis (“TOP”). The height of each bar chart indicates the median, while the error bars show the minimum and maximum.

At most Bay Area treatment plants, more than 95% of flows are from residential and commercial customers. Phase 2 results indicate that residential areas may contribute PFAS at concentrations similar to plant influent, which means that residential users may be the dominant source of PFAS to many treatment facilities. PFAS is found in many consumer products, including textiles, household chemicals, cosmetics, and food packaging, at concentrations several orders of magnitude higher than those found in this study, as shown in **Figure 5**. This source of PFAS can only be controlled by removing or reducing the amount of PFAS found in consumer products.



at concentrations several orders of magnitude higher than those found in this study, as shown in **Figure 5**. This source of PFAS can only be controlled by removing or reducing the amount of PFAS found in consumer products.

Figure 5. PFAS concentrations in select categories of consumer products. Figure adapted from Dewapriya et al., 2023¹. The round marker indicates the average, while the error bars show the minimum and maximum values. The units (ppm) are equivalent to ng/L x 1,000,000.

What is BACWA Doing Next?

BACWA and its members are interested in developing actionable data that will inform future source control or other management efforts. To start, BACWA and its members plan to continue working with SFEI, the Water Board, and the California Department of Toxic Substances Control to identify consumer products with PFAS that have a potential nexus to wastewater, stormwater, and surface waters like San Francisco Bay. In the coming years, SFEI plans to continue studying PFAS in stormwater and the Bay, while BACWA will continue to focus on identifying controllable sources within sewer service areas.

Where Can I Find More Information?

USEPA PFAS Strategic Roadmap:

<https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>

^a SWRCB Investigative Order for POTWs:

https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2020/wqo2020_0015_dwq.pdf

^b Study of PFAS in Bay Area POTWs: Phase 1 Sampling and Analysis Plan:

<https://bacwa.org/wp-content/uploads/2020/12/SFEI-Final-PFAS-SAP-Phase-1-2020-11-23.pdf>

^c Study of PFAS in Bay Area POTWs: Phase 2 Sampling and Analysis Plan: <https://bacwa.org/wp-content/uploads/2022/03/Final-PFAS-Phase-2-SAP-2022-03-28.pdf>

^d Study of PFAS in Bay Area POTWs, Phase 1 Memo:

https://bacwa.org/wp-content/uploads/2023/03/Memo_BACWA-PFAS-Phase-1.pdf

^e Lin, D. and Fono, L. Investigation of PFAS Sources to Municipal Wastewater. Presentation to 2023 Regional Monitoring Program Annual Meeting, October 2023. Video and slides available at

<https://www.sfei.org/projects/rmp-annual-meeting>

^f Aflaki, R. "What can we learn from the GeoTracker PFAS data?" Presentation to CASA; Available at

<https://casaweb.org/wp-content/uploads/2023/10/Aflaki-Roshan.pdf>

^g USEPA, 2022. "Fact Sheet: Draft 2022 Aquatic Life Ambient Water Quality Criteria for PFOA and PFOS." Available at <https://www.epa.gov/system/files/documents/2022-04/pfoa-pfos-draft-factsheet-2022.pdf>

^h SWRCB. "PFAS Regulations for California Drinking Water." Available at

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/pfas.html

ⁱ USEPA. Proposed PFAS National Drinking Water Regulation. Available at

<https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

^j Michigan Department of Environment, Great Lakes, and Energy. "Interim Strategy – Land Application of Biosolids Containing PFAS (2024)." Available at

<https://www.michigan.gov/egle/about/organization/water-resources/biosolids/pfas-related>

^k New York State Department of Environmental Conservation. "Biosolids Recycling in New York State – Interim Strategy for the Control of PFAS Compounds." September 7, 2023. Available at

https://extapps.dec.ny.gov/docs/materials_minerals_pdf/dmm7.pdf

^l Dewapriya, P., et al. "Per- and polyfluoroalkyl substances (PFAS) in consumer products: Current knowledge and research gaps." Journal of Hazardous Materials Letters, Volume 4, November 2023, 100086. <https://doi.org/10.1016/j.hazl.2023.100086>