

**WEST LINN PLANNING COMMISSION
FINAL DECISION AND ORDER
CUP-25-03/DR-25-03**

**IN THE MATTER OF A PROPOSAL FOR A CONDITIONAL USE PERMIT AND CLASS II
DESIGN REVIEW AT 18850 WILLAMETTE DRIVE**

Planning Commission Decision: The Planning Commission has **denied** the above referenced land use application.

I. Overview

At its meeting on March 18, 2026, the West Linn Planning Commission (“Commission”) held the initial evidentiary public hearing to consider the request by the Applicant, Eric Li, TVA Architects, on behalf of Chuck Kaady, Kaady Car Washes, for a Conditional Use Permit, Class II Design Review, and Class II Variance at 18850 Willamette Drive. As noted below, the Class II Variance was withdrawn prior to final deliberations. The Applicant presented a proposal to demolish an existing fast-food restaurant building with drive-through and replace it with a new, drive-through car wash. The approval criteria for this proposal are Community Development Code (CDC) Chapter 19, Chapter 32, Chapter 42, Chapter 44, Chapter 46, Chapter 48, Chapter 54, Chapter 55, Chapter 60, Chapter 96, and Chapter 99. The hearing was conducted pursuant to the provisions of CDC Chapter 99.

The initial evidentiary hearing commenced with a staff report presented by Darren Wyss, Principal Planner. The Applicant team provided verbal testimony. Twenty-six written comments were submitted prior to the hearing, and an additional five written comments were submitted at the hearing. Oral testimony was provided at the hearing by David Robison, Jeannie Thompson, Shane Winder, Andrew Mulkey, Liz Dietz, KD Mercer, Larry Ullman, David Dodds, Brent Hunsberger, Mike Kapigian, Anthony Bracco, Athena Contreras, Barbara Sevde, Roxanna Khosravi, Erik Newgard, Frank Jalili, Paul Kreitzberg, Daniel Mercer, Ed Schwarz, and Kathy Fisher. The primary concerns raised during testimony included:

- Proposal does not provide an overall benefit to the City
- Traffic impacts
- Noise impacts
- Stormwater facility design
- Environmental impacts
- Inconsistency with Robinwood Neighborhood Plan

Rebuttal was provided by the Applicant team. The Commission asked final questions of staff and the Applicant team. A motion was made by Commissioner Walvatne to close the public testimony portion of the hearing and leave the record open for written testimony until March 25th at 5:00pm, allow all parties to respond to previously submitted written testimony until April 1st at 5:00pm, and allow the applicant to submit final written argument by April 8th at

5:00pm, with the Commission to reconvene for final deliberations at April 15th at 6:00pm. The motion was seconded by Commissioner Watton. The motion passed unanimously, 4 to 0 (Jones, Kachirisky, Walvatne, Watton).

Prior to the 5:00pm deadline on March 25, 2026, the City received eleven written comments from the community. The Applicant also submitted additional written evidence, including revised façade designs to meet the City's transparency standards and withdrawing the Class II Variance application. The written materials were provided to the Commission on March 26th.

Prior to the 5:00pm deadline on April 1, 2026, the City received two written comments from the community. The Applicant also submitted additional written evidence. The written materials were provided to the Commission on April 2nd.

Prior to the 5:00pm deadline on April 8, 2026, the City received final written argument from the Applicant's attorney, Wendie Kellington. The final written argument was provided to the Commission on April 9th.

The Commission reconvened on April 15, 2026, for deliberation. Chair Shulte-Hillen, absent from the first evidentiary hearing, made the statement "I have watched the entire video of that meeting and am completely up to speed with all testimony and all things submitted in the interim". Commissioner Walvatne disclosed a site visit and Chair Shulte-Hillen disclosed daily travel by the site either by walking or driving. Both confirmed that the aforementioned ex parte contacts would not impact their ability to participate in deliberations. No member of the audience challenged either Commissioner's fitness to participate in deliberations.

During deliberations the Commission discussed the impact of the applicant's withdrawal of the Variance and the need to consider noise from the facility due to the added window glazing. Several Commissioners expressed concern that granting the proposal would not produce a facility that provides an overall benefit to the City (Community Development Code Chapter 60.070.A(3)). Commissioner Walvatne expressed concerns with the stormwater facility and its ability to effectively remove pollutants that may make it out of the car wash and into the system. The Commission discussed potential impacts to Fern Creek from stormwater runoff and the lack of sufficient factual data to demonstrate that no adverse off-site impacts would be caused by the development (Community Development Chapter 55.100.I(3)).

Commissioner Walvatne made a motion to deny CUP-25-03/DR-25-03 and direct staff to prepare a final decision and order adopting findings consistent with this decision that specifically address criteria CDC 55.100.I(3) and 60.070.A(3) for the reasons stated during deliberations. Chair Shulte-Hillen seconded the motion. The motion passed with three (3) votes in favor (Kachirisky, Schulte-Hillen, Walvatne) and two (2) votes opposed (Jones, Watton).

II. The Record

The record was finalized at the April 15, 2026, public hearing.

Findings of Fact

- 1) The Overview set forth above is true and correct.
- 2) The Applicant is Eric Li, TVA Architects on behalf of Kaady Car Washes.
- 3) The Commission finds that it has received all information necessary to make a decision based on the Staff Report and attached findings; public comment; deliberations; and the evidence in the whole record.

III. Findings

The Commission makes this decision based on its deliberations, the findings below, the submitted written comments, and evidence in the whole record. The Commission concludes that the record fails to satisfy the Applicant’s burden to prove compliance with all applicable criteria.

- 1. CDC Chapter 55.100.I(3) – Storm detention and treatment and geologic hazards

The Commission finds the applicant did not meet its burden of proof to show that there will be no adverse off-site impacts caused by the development (including impacts from increased intensity of runoff downstream or constrictions causing ponding upstream) and has not provided sufficient factual data to support the conclusions of the submitted plan.

- 2. CDC Chapter 60.070.A(3) – The proposal will produce a facility that provides an overall benefit to the City.

The Commission finds the applicant did not meet its burden of proof to show that granting the proposal will provide an overall benefit to the City and there is not sufficient evidence in the record to demonstrate that redevelopment of the site would provide an overall benefit to the City.

IV. Order

The Commission concludes that CUP 25-03/DR-25-03 is denied based on the deliberations, findings stated in the staff report, oral testimony, written testimony, and applicant rebuttal except as added to or modified herein.



KATHRYN SCHULTE-HILLEN, CHAIR
WEST LINN PLANNING COMMISSION

April 21, 2026

DATE

APPEAL

This decision may be appealed to the City Council pursuant to the provisions of Chapter 99 of the Community Development Code and any other applicable rules and statutes. This decision will become effective 14 days from the date of mailing of this final decision as identified below. A person who is mailed written notice of the decision cannot appeal the decision directly to the

Land Use Board of Appeals under ORS 197.830. The decision will not be final until the period for filing a local appeal has expired.

More information about filing an appeal can be found at:

- <https://westlinnoregon.gov/planning/appeals>

Mailed this 21 day of April, 2026.

Therefore, this decision becomes effective at 5 p.m., May 5, 2026.

Contact: If you have any questions about this project, please contact Darren Wyss, Principal Planner, at dwyss@westlinnoregon.gov or (503)742-6064.