

From: Kappler, Richard <RichardKappler@corban.edu>

Sent: Wednesday, August 3, 2022 11:46 AM

To: Louisa Bruce <Louisa_Bruce@co.washington.or.us>; Pam Treece <Pam_Treece@co.washington.or.us>; grumpyswife925@gmail.com; brooke611@gmail.com; kennedynecoleman98@gmail.com; christycroghan@msn.com

Cc: mcmlcf@comcast.net; tparker456@gmail.com; rossta1414@yahoo.com; amyruddy@armomentum.com; cschlobohm1@gmail.com

Subject: [EXTERNAL] Re: New Open Record and Order for IN-N-OUT Burger

Dear Louisa and then Washington County commissioner Pam Treece who has not replied to this horrible potential situation of an enormous proposed drive-thru heart disease business (Inn-N-Out) that is proposed on SW Beaverton-Hillsdale Highway so close to downtown Beaverton,

I was on TriMet bus 54 yesterday evening and the bus driver had to stop about ten feet east of where SW BHH meets SW 103rd Avenue because of an ambulance going eastbound into the westbound lanes. What drive-thru businesses actually help make safer streets? Please show documentation. Bulldozing two businesses to make one lousy heart disease business will add jobs that are not needed or wanted. The bicycle lanes on BHH and Farmington all but disappear between Cedar Hills Blvd and SW 65th Avenue which is about 19,000 linear feet. BHH and Farmington Road could form the lowest elevation pass between downtown and southwest Portland and the Tualatin Valley, but ODOT and mostly Washington County's land-use planning has not resulted in this taking place. Even new buildings built less than fifteen years ago on BHH at SW Laurelwood Avenue do not have street lamps. I live in east Beaverton very close to SW Arctic Drive and the dozens of acres of rarely-used SUV and car parking lots nearby create an intense heat island effect. It got to about 123 measured degree Fahrenheit sometimes last summer which was horrible on SW Elm Avenue. The area needs not one more drive-thru business. Even Murfreesboro, Tennessee at least put a temporary moratorium on construction of car dealerships on one of their streets about five years ago. If a city surrounded in a state surrounded by other states that have car manufacturing plants can put in a temporary moratorium like that, why will Washinton County refused to put in a moratorium to ban construction of drive-thrus? I request an in-person meeting for this because online meetings are not professional. My tax dollars pay for at least some the maintaince of the county commisioner and Beaverton city hall buildings. The county has neglected the land-use planning on nearby SW Canyon Road in West Slope and the murder at a strip club in 2017, the crime, and grim even shows it.

Rick Kappler

Sandy Freund

From: Kappler, Richard <RichardKappler@corban.edu>
Sent: Tuesday, August 9, 2022 10:48 AM
To: Sandy Freund
Cc: Louisa Bruce
Subject: Re: [EXTERNAL] Re: New Open Record and Order for IN-N-OUT Burger

Dear Washington County,

Blocked bicycle lanes and blocked sidewalks as shown in the circumstances of Oregon state laws need to be recognized and never allowed to take place day after day after day at the site of a new business. There needs to be law and order on SW Beaverton-Hillsdale Highway. Has anyone from the county employee office seen for themselves the complete gridlock on SW 107th Avenue at the adjacent and ugly Chik-Fil-A? It takes place each week at that site which applied for the absolute minimum number of bicycle parking spots. Why should Washington County, Oregon allow illegal blocking of bicycle and car lanes to take place at a newly-constructed business site day after day after day on SW Beaverton-Hillsdale Highway and possible blocked fire hydrants on nearby SW Laurel Road by the Inn-N-Out Burger?

Here is new legal testimony against allowing construction of a drive-thru on SW Beaverton-Hilldale Highway:

[McDonald's faces privacy class action over voice recognition at drive-thrus | Secondary Sources | National | Westlaw Today](#)

[Class Action Claims McDonald's Collected Ill. Drive-Through Customers' Voiceprints Without Consent](#)



Class Action Claims McDonald's Collected Ill. Drive-Through Customers' Voiceprints Without Consent

New to ClassAction.org? Read our Newswire Disclaimer. A proposed class action lawsuit claims McDonald's Corporation has violated an Illinois privacy law by collecting drive-through customers' voiceprints without first providing proper disclosures or obtaining consent to do so.

www.classaction.org

[Chick-fil-A drive-thru backlash isn't new in California - Los Angeles Times \(latimes.com\)](#)



Chick-fil-A drive-thru backlash isn't new in California - Los Angeles Times

Santa Barbara is on the verge of declaring its Chick-fil-A on State Street a public nuisance because of the long lines of cars that queue at the popular fast-food location.

www.latimes.com

The Inn-N-Out burger project will lead to increased vehicle crashes, blocked TriMet buses for buses 61 and 54, and litter accumulation.

Rick Kappler
5950 SW Elm Avenue
Beaverton OR 97005

From: Sandy Freund <Sandy_Freund@co.washington.or.us>
Sent: Tuesday, August 9, 2022 10:27 AM
To: Kappler, Richard <RichardKappler@corban.edu>
Cc: Louisa Bruce <Louisa_Bruce@co.washington.or.us>
Subject: RE: [EXTERNAL] Re: New Open Record and Order for IN-N-OUT Burger

Thank you Louisa.

Mr. Kappler,
Thank you for submitting your comments; I did receive your email of August 3, 2022 regarding this project and have saved it for the Hearing's Officer. His specific order was for new legal testimony. Nevertheless, I will be sure he receives your comments.

Thank you again for your interest in this project.

Kindly,

Sandy Freund, AICP | Senior Planner
Planning and Development Services | Current Planning-Urban
155 N. First Avenue, Suite 350 MS13 | Hillsboro, OR 97124
503-846-3872 direct | 503-846-2908 fax
Sandy_Freund@co.washington.or.us | www.co.washington.or.us/lut

From: Louisa Bruce <Louisa_Bruce@co.washington.or.us>
Sent: Tuesday, August 9, 2022 10:21 AM
To: Kappler, Richard <RichardKappler@corban.edu>

Cc: Sandy Freund <Sandy_Freund@co.washington.or.us>

Subject: RE: [EXTERNAL] Re: New Open Record and Order for IN-N-OUT Burger

Mr. Kappler,

I have forwarded your email to Sandy Freund that planner for this application.

Thank you,

Louisa Bruce | Administrative Specialist II

Washington County Department of Land Use & Transportation

Planning and Development Services | Current Planning

155 N First Ave., Suite 350, MS 13 | Hillsboro, OR 97124

503-846-3849 | 503-846-2908 fax

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Due to staffing shortages in Current Planning, responses to emails and phone calls are expected to take longer than anticipated.

PLEASE NOTE: MAJORITY OF STAFF CONTINUES TO WORK REMOTELY AND ARE BEST REACHED BY EMAIL.

Please submit planning-related questions to LUTDEV@co.washington.or.us.

Your patience is appreciated.

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[LUT Services available online](#)

From: Kappler, Richard <RichardKappler@corban.edu>

Sent: Tuesday, August 9, 2022 10:08 AM

To: Louisa Bruce <Louisa_Bruce@co.washington.or.us>

Subject: [EXTERNAL] Re: New Open Record and Order for IN-N-OUT Burger

Dear Louisa and Washington County,

I implore you and the county to stop approval and stop any permits for the proposed Inn-N-N heart disease grease business in Casefile L2200066-SU/D/PLA/PLA (In-N-Out Burger). The parking area and drive aisles located in the office commercial district should not be allowed to be built in the Office Commercial District because it is prohibited by safe streets and it would be prohibited in downtown Beaverton on such as street as Broadway in downtown Beaverton. More and more housing is being built within 1,000 feet and this requires the construction of safer streets and no more drive-thrus. The additional car-centric development increases the likelihood of obesity to continue in the USA and it should not be allowed in a Community Business District because nothing about this proposed development will create a safe community.

How many bicycle parking spots has this development requested? Will it have covered bicycle parking? How many trees have been proposed to be planted?

Rick Kappler

5950 SW Elm Avenue

Beaverton OR 97005

p.s. I'm paying for the induced-demand 217 project (because I'm a Beaverton tax payer) that will make things worse in Washington County, southwest Portland, and in Clackamas County. More car lanes only leads to more traffic. Just check the worthless project the city did on NW Bethany Boulevard where they bought private land instead of making it one car lane in each way as it currently was before the project.

From: Louisa Bruce <Louisa_Bruce@co.washington.or.us>
Sent: Wednesday, August 3, 2022 11:24 AM
To: grumpyswife925@gmail.com <grumpyswife925@gmail.com>; brooke611@gmail.com <brooke611@gmail.com>; kennedycoleman98@gmail.com <kennedycoleman98@gmail.com>; christycroghan@msn.com <christycroghan@msn.com>; jkk76@comcast.net <jkk76@comcast.net>; Kappler, Richard <RichardKappler@corban.edu>
Cc: mcmlcf@comcast.net <mcmlcf@comcast.net>; tparker456@gmail.com <tparker456@gmail.com>; rossta1414@yahoo.com <rossta1414@yahoo.com>; amyruddy@armomentum.com <amyruddy@armomentum.com>; cschlobohm1@gmail.com <cschlobohm1@gmail.com>
Subject: FW: New Open Record and Order for IN-N-OUT Burger

The Hearing's Officer has issued an Order to Re-Open the public record in the matter of Casefile L2200066-SU/D/PLA/PLA (In-N-Out Burger). Testimony submitted during the open record period raised an issue that was not addressed in the application or at the hearing. The hearings officer found that, because this is largely a new issue, all parties should be allowed the opportunity to provide written argument about the issue noted below. This re-opened record and comment period is strictly limited to whether parking area and drive aisles located in the Office Commercial District can be allowed as an accessory use or is prohibited, when in conjunction with an associated drive-thru restaurant use located in the adjacent Community Business District.

The Hearing's Officer Order to Re-Open the Record is at this Link:

[https://washcomultimedia.s3.amazonaws.com/GISBigFiles/CurrentPlanning/OR1-a_Reopen+Record+L2200066-SUDPLA+\(In-N-Out+Burger\)-from+HO.pdf](https://washcomultimedia.s3.amazonaws.com/GISBigFiles/CurrentPlanning/OR1-a_Reopen+Record+L2200066-SUDPLA+(In-N-Out+Burger)-from+HO.pdf)

The record shall be held open subject to the following schedule:

OR-1	Tuesday August 9, 2022, for all parties to submit new written legal argument regarding the issue discussed above;
OR-2	Tuesday August 16, 2022, for all parties to respond in writing to the new legal arguments received by the County by 4 P.M., Tuesday August 9, 2022.
OR-3/FA	Tuesday August 23, 2022 for the applicant alone to submit a final written argument.

All written arguments must be in writing and must be received by the Washington County Department of Land Use and Transportation by 4 P.M. on the relevant closing date. The hearings officer is expected to issue a written final order no later than September 6, 2022

Louisa Bruce | Administrative Specialist II

Washington County Department of Land Use & Transportation
 Planning and Development Services | Current Planning
 155 N First Ave., Suite 350, MS 13 | Hillsboro, OR 97124
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Sandy Freund

From: Louisa Bruce
Sent: Tuesday, August 9, 2022 10:59 AM
To: Sandy Freund
Subject: FW: [EXTERNAL] in and out

Follow Up Flag: Follow up
Flag Status: Flagged

Here is another

Louisa Bruce | Administrative Specialist II

Washington County Department of Land Use & Transportation
Planning and Development Services | Current Planning
155 N First Ave., Suite 350, MS 13 | Hillsboro, OR 97124
503-846-3849 | 503-846-2908 fax
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From: Christy Croghan <ChristyCroghan@msn.com>
Sent: Tuesday, August 9, 2022 10:46 AM
To: Louisa Bruce <Louisa_Bruce@co.washington.or.us>
Subject: [EXTERNAL] in and out

Washington County,

After reviewing the Casefile No. L2200066 summary it is very apparent that the county is aware that the Inn-N-Out burger project on SW Beaverton-Hillsdale Highway should not be allowed to be built due to zoning violations.

"The parking area is also part of the drive-thru restaurant use. However, drive-thru restaurants are prohibited in the OC zone. Therefore, based on Wilson, this application for a drive-thru restaurant that relies on parking and access within the OC zone, where drive-thru restaurants are prohibited, must be denied."

There are many other properties in Washington county that will legally fit the zoning requirements and will also positively impact the community. A drive-thru at 10535 and 10565 SW Beaverton Hillsdale is not what this community/neighborhood needs and it is not beneficial. Please do what you are hired to do and represent the people not big business.

Christy Croghan

Sandy Freund

From: Mike Hale <kiteguy.hale@gmail.com>
Sent: Tuesday, August 9, 2022 11:53 AM
To: Sandy Freund
Subject: [EXTERNAL] Re: In-N-Out Hearing reopened

Follow Up Flag: Follow up
Flag Status: Flagged

Re- In-N-Out Burger casefile L2200066-SU/D/PLA/PLA reopened Hearing

In regard to the land use request for special use for the properties concerned, we believe the zoning for the OC portion were previously done so with regard for the businesses, neighborhood and traffic in the vicinity. In keeping with and consistent with existing rulings and precedence, drive-thru should not be allowed and therefore no special use can be granted. The 103rd Ave Neighborhood Group strongly opposes such a zoning change.

Further, we believe In-n-Out Burger vastly understated and distorted their assessment of projected impact on traffic and congestion for this location.

Respectfully submitted,

Michael Hale

4384 SW 103rd Ave

Beaverton, OR 97005

For the 103rd Ave Neighborhood Group

(Listed below)

kiteguy.hale@gmail.com

Sent from my iPad

On Jun 20, 2022, at 4:38 PM, Mike Hale <kiteguy.hale@gmail.com> wrote:

Dear Sandy, Please add our Neighborhood testimony to the open record. Thank You,
Michael Hale

Washington County Planning Hearing casefile/Project L2200066-SU/D/PLA/PLA
Re: proposed In-N-Out Burger at 10565 SW Beaverton-Hillsdale Hwy,

From the 103rd Ave Neighborhood Group
June 20th, 2022

I mentioned our neighborhood group in both my written and my Zoom testimony. Many were unable to participate in the Zoom Hearing due to work, school, or traveling. We wanted to go on record as opposing the In-N-Out Burger at this location. We believe there are better locations. And we do not believe this fast food restaurant at this site is compatible with our understanding of the Washington County Sustainability Plan, nor the Beaverton City Livability Plan, Transportation Plan, and City Vision. Since In-N-Out have already stated their intention to join the City of Beaverton, they should be held to those standards.

Today, on a weekday, Chic-fil-A had cars backed up Beaverton-Hillsdale Hwy blocks past Western Ave from the East, snaking around the corner on 107th, and clogging the left turn lane from the West. There is simply no way this area can add to this congestion without harm to local businesses and residences.

Respectfully submitted,

Michael & Sheila Hale 4384 SW 103rd Ave, 97005 kiteguy.hale@gmail.com, 503-720-5821
Becca & Jessie Waker 4395 SW 103rd Ave
Frank & Kim Laza 4375 SW 103rd Ave
Ron & Hannah Boyer 4335 SW 103rd Ave
Scott & Rebecca Davis 4325 SW 103rd Ave
Evan & Jessie Miller 4300 SW 103rd Ave
Jackson & Alysa Wood 4420 SW 103rd Ave
Jeff Wycoff 4100 SW 103rd Ct.
Inanc Tarhan & Meghan Cansler 10330 SW Kennedy St
Douglas & Carri Havely 4235 SW 102nd Ave

Sent from my iPad

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