

BEFORE THE LAND USE BOARD OF APPEALS  
OF THE STATE OF OREGON

IN-N-OUT BURGER,

Petitioner,

vs.

WASHINGTON COUNTY,

Respondent.

LUBA No. 2022-\_\_\_\_\_

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**NOTICE OF INTENT TO APPEAL**

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**I.**

Notice is hereby given that In-N-Out Burger (“Petitioner”) intends to appeal that final decision of Washington County (“Respondent”) entitled “Final Order Casefile No. L2200066-SU/D/PLA/PLA (In-N-Out Burger),” dated August 29, 2022, wherein Respondent denied Petitioner’s Special Use and Development Review application for an approximately 3,885 square foot eating and drinking establishment (fast food restaurant) with drive-thru and outdoor seating; and two Property Line Adjustments (collectively, the “Decision”). The Decision became final on August 29, 2022.

**II.**

The Petitioner has standing to appeal pursuant to ORS 197.830(2) because it is the Applicant for the Decision as shown in **Exhibit 1**.

**III.**

Petitioner is represented by Garrett H. Stephenson and Joseph O. Gaon. Petitioner’s legal counsel has as its address and telephone number: Schwabe, Williamson & Wyatt, P.C., 1211 SW Fifth Avenue, Suite 1900, Portland, OR 97204, 503-796-2893.

#### IV.

Respondent has as its mailing address and telephone number:

Washington County  
155 N. First Avenue, Suite 350  
Hillsboro, OR 97124  
503-846-8611

and has as its legal counsel:

Robert Bovett  
Washington County Counsel  
155 N First Avenue, #340, MS 24  
Hillsboro, OR 97124  
503-846-8747

#### V.

The list of persons provided notice of the decision by the County is enclosed as **Exhibit 2**.

#### NOTICE

Anyone designated in Paragraph V of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.

Dated this 15<sup>th</sup> day of September, 2022.

Schwabe, Williamson & Wyatt, P.C.



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*Attorneys for In-N-Out Burger*

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Washington County  
Department of Land Use and Transportation  
Planning and Development Services  
155 N First Ave, Suite 350  
Hillsboro, OR 97124

## NOTICE OF DECISION OF THE HEARINGS OFFICER

PROCEDURE TYPE III

CPO: 3

COMMUNITY PLAN:

Raleigh Hills - Garden Home

LAND USE DISTRICT:

Community Business District (CBD)

Office Commercial District (OC)

PROPERTY DESCRIPTION:

ASSESSOR MAP#: 1S1 14BC

LOT#S: 02000, 02100, 02400 & 02401

SITE SIZE: 2.24 acres

ADDRESS: 10535 & 10565 SW  
Beaverton Hillsdale Highway, Beaverton, OR  
97005

CASEFILE: L2200066-SU/D/PLA/PLA

APPLICANT:

In-N-Out Burger

Attn: Cassie Ruiz

13502 Hamburger Lane

Baldwin Park, CA 97106

APPLICANT'S REPRESENTATIVE:

Oregon Architecture, Inc.

Attn: Patrick McKechnie

132 West Main Street, #101

Medford, OR 97501

OWNER:

Angel, Lynne Irene

1815 SW High Street

Portland, OR 97201

LOCATION: On the north side of SW  
Beaverton Hillsdale Highway, and the south  
side of SW Laurel Street, approximately 250  
feet east of their intersections with SW 107<sup>th</sup>  
Avenue.

PROPOSED DEVELOPMENT ACTION: Special Use and Development Review for an  
approximate 3,885 square foot eating and drinking establishment (fast food restaurant) with  
drive-thru and outdoor seating; and two Property Line Adjustments.

DATE OF DECISION:

August 29, 2022

A summary of the decision of the Hearings Officer and supplemental findings are attached.

This decision may be appealed to the Land Use Board of Appeals (LUBA) by filing a notice of Intent to Appeal with LUBA within 21 days of the date of this decision. Contact your attorney if you have any questions in this regard.

For further information contact the Land Use Board of Appeals at 503-373-1265.

The complete case, including Notice of Decision, Application, Staff Report, Findings and Conclusions, and Conditions of Approval, if any, are available for review at no cost at the Department of Land Use and Transportation. Copies of this material will be provided at reasonable cost.

**Notice to Mortgagee, Lien Holder, Vendor or Seller:** ORS Chapter 215 requires that if you receive this notice it must promptly be forwarded to the purchaser.

CASEFILE NUMBER: L2200066-SU/D/PLA/PLA

**SUMMARY OF DECISION:**

On August 29, 2022, the Washington County Hearings Officer issued a written decision (Attachment 'B') for Special Use and Development Review for an approximate 3,885 square foot eating and drinking establishment (fast food restaurant) with drive-thru and outdoor seating; and two Property Line Adjustments. The development site is located on the north side of SW Beaverton Hillsdale Highway, and the south side of SW Laurel Street, approximately 250 feet east of their intersections with SW 107th Avenue in CPO #3. The development site is described as Tax Lots 2000, 2100, 2400 and 2401 Assessor Map 1S1 14BC W.M., Washington County, Oregon. The Hearings Officer's decision is as follows:

**ORDER:**

The application is Denied.

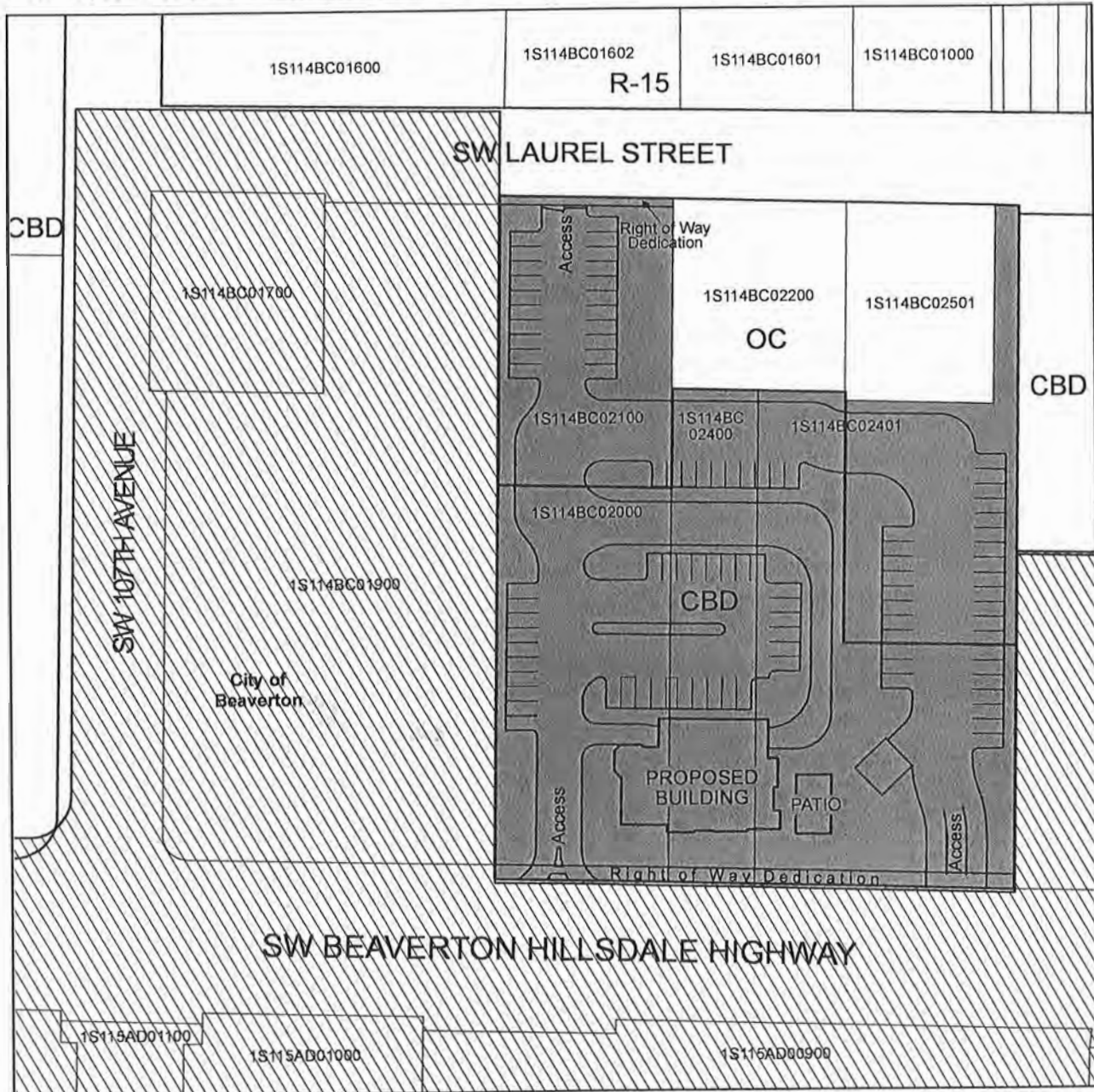
**Attachments:**

- A. Vicinity Map
- B. Hearings Officer's Findings, Conclusion and Order

# ATTACHMENT A VICINITY MAP

TAX MAP/LOT NO. 1S1 14 BC 02000, 02100, 02400, 02401

CASEFILE / PROJECT #: L2200066-SU/D/PLA/PLA



↑ NORTH

NOT TO SCALE

## SITE & SURROUNDING LAND USE DISTRICTS:

Community Business District (CBD)

Office Commercial District (OC)

R-15 District (Residential 15 units/acre)

City of Beaverton



AREA OF CONSIDERATION

## REVIEW STANDARDS FROM CURRENT OR APPLICABLE ORDINANCE OR PLAN

- A. Washington County Comprehensive Plan
- B. Applicable Community Plan (See Front of Notice)
- C. Transportation System Plan
- D. Washington County Community Development Code:
  - ARTICLE I, Introduction & General Provisions
  - ARTICLE II, Procedures
  - ARTICLE III, Land Use Districts
  - ARTICLE IV, Development Standards
  - ARTICLE V, Public Facilities and Services
  - ARTICLE VI, Land Divisions & Lot Line Adjustments
  - ARTICLE VII, Public Transportation Facilities
- E. R & O 86-95 Traffic Safety Improvements
- F. ORD. NO. 738, Road Design and Construction Standards
- G. ORD.691-A, 729, 741, 746, 751, 793-A Transp. Development Tax



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## **CERTIFICATE OF FILING AND TRUE COPY**

I certify that this is a true copy of the Notice of Intent to Appeal Filed with the Land Use Board of Appeals on September 15, 2022, via United States Postal Service certified mail, return receipt requested.

Dated this 15<sup>th</sup> day of September, 2022.

SCHWABE, WILLIAMSON & WYATT, P.C.

By:



---

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Portland, Oregon 97204

*Attorneys for In-N-Out Burger*



## CERTIFICATE OF SERVICE

I hereby certify that on September 15, 2022, I served a true and correct copy of this Notice of Intent to Appeal on all persons below pursuant to OAR 661-010-0115(2) by first class mail, and have provided an email copy of the Notice to persons who did not give their addresses during the proceedings. Their addresses are as follows:

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Dated this 15<sup>th</sup> day of September, 2022.

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By: 

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*Attorneys for In-N-Out Burger*