



**WASHINGTON COUNTY  
VIRTUAL PUBLIC HEARINGS BEFORE THE HEARINGS OFFICER (Joe Turner)**

**Tuesday, March 26<sup>th</sup>, 2024 – 9:00 a.m.**

**Virtual Meeting:** <https://us02web.zoom.us/j/88556556632>

By Telephone: **1 669 900 6833**; Webinar ID: **885 5655 6632**  
*SEE INSTRUCTIONS FOR ATTENDING THIS MEETING (last page)*

**ALL PUBLIC HEARINGS ARE RECORDED**

*If you need a sign or spoken language interpreter, please call 503-846-8761 (or 7-1-1 for Telecommunications Relay Service) at least 48 hours prior to this hearing.*

**A G E N D A**

- I. CALL TO ORDER
- II. PUBLIC HEARINGS OPENED:
  - A. Explanation of Hearing Procedure  
*Please note: The hearings officer will hold the record open for at least one week after the online hearing to accept written testimony, in the event anyone is unable to log on to attend the online hearing. Please contact the relevant staff person to check on the status of the proceeding.*
  - B. Public Hearings Items

**Land Use Applications**

9:00 a.m.	1.	Casefile No: Casefile No: L2200066-SU/D/PLA/PLA REMAND Staff: Stephen Shane, Principal Planner Applicant: In-N-Out Burger – Cassie Ruiz Applicant’s Rep: Schwabe - Mr. Garrett Stephenson Request: Remand from the Oregon Land Use Board of Appeals (LUBA - Final Order & Opinion No. 2022-083) of the County Hearings Officer’s Denial of Special Use and Development Review for an approximate 3,885 square foot fast food restaurant with drive-thru and outdoor seating; and two Property Line Adjustments. Casefile materials may be viewed at: <a href="https://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/frequentlydiscussedprojects.cfm#L2200066">https://www.co.washington.or.us/LUT/Divisions/CurrentPlanning/frequentlydiscussedprojects.cfm#L2200066</a>
	CPO:	3
	Location:	1S1 14 BC 02000, 02100, 02400 & 02401 – 105350 & 10565 SW Beaverton Hillsdale Highway, Beaverton, OR 97005 – 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

**HO ACTION:** *This item was heard by the Hearings Officer on June 16, 2022, and was denied on August 29, 2022. It was appealed to LUBA, with a Final Order & Opinion (# 2022-083) issued on October 27, 2023.*

**Remand Note:** **The County will limit testimony and evidence received at this hearing to those issues remanded to the County by LUBA Final Order & Opinion No. 2022-083.**



**WASHINGTON COUNTY**

Department of Land Use & Transportation  
Planning and Development Services  
Development Review/Current Planning  
155 N. 1<sup>st</sup> Avenue, #350-13  
Hillsboro, OR 97124  
Ph. (503) 846-8761 Fax (503) 846-2908  
Mon - Thurs, 8 am - 4 pm; (Closed Friday)

**Notice of Remand via Virtual Public Hearing  
Zoom Webinar (See page 4 for access info.)**

URBAN

CPO: 3

COMM. PLAN: Raleigh Hills-Garden Home

**EXISTING LAND USE DISTRICT(S):**

Community Business District (CBD)

Office Commercial District (OC)

**ASSESSOR MAP: TAX LOT NUMBER(S):**

1S1 14 BC 02000, 02100, 02400 & 02401

SITE SIZE: 2.24 acres

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

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

**APPLICANT:**

In-N-Out Burger - Cassie Ruiz

13502 Hamburger Lane

Baldwin Park, CA 97106

**APPLICANT'S REPRESENTATIVE:**

Schwabe

Attn.: Mr. Garrett Stephenson

1211 SW 5th Avenue, Suite 1900

Portland, OR 97204

**OWNER of all parcels:**

Angel, Lynne Irene Family LP

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.

Casefile materials may be viewed at:

<https://www.washingtoncountyor.gov/current-planning/frequently-discussed-project-application#L2200066>

**PROPOSED DEVELOPMENT ACTION:** Remand from the Oregon Land Use Board of Appeals (LUBA - Final Order & Opinion No. 2022-083) of the County Hearings Officer's Denial of Special Use and Development Review for an approximate 3,885 square foot fast food restaurant with drive-thru and outdoor seating; and two Property Line Adjustments.

**Remand Note:** The County will limit testimony and evidence received at this hearing to those issues remanded to the County by LUBA Final Order & Opinion No. 2022-083.

Notice is hereby given that the Washington County Hearings Officer will review the request for the above-stated proposed development action at a Virtual hearing on

**March 26<sup>th</sup>, 2024 at 9:00 a.m.**

Washington County is offering a virtual meeting and asks residents and interested parties to attend the Hearings Officer meeting virtually.

By Telephone: **1 669 900 6833**

Webinar ID: **885 5655 6632**

Zoom Webinar link:

<https://us02web.zoom.us/j/88556556632>

To provide public testimony during the hearing, you may testify by telephone or by Zoom Webinar.

Please contact the people below, at least 24 hours prior to the meeting:

Louisa Bruce, Hearings Clerk (503-846-3849)

[Louisa\\_Bruce@washingtoncountyor.gov](mailto:Louisa_Bruce@washingtoncountyor.gov)

Please note corrected contact info below:

Stephen Shane, Principal Planner (503-846-8127)

[Stephen\\_Shane@washingtoncountyor.gov](mailto:Stephen_Shane@washingtoncountyor.gov)

or call 503-846-8761

**AREA MAP WITH SUBJECT PROPERTY ↓**



*Corrected Notice  
for Planner  
Contact Info on  
Page 1 Only*

**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.

- All interested persons may appear and provide written or oral testimony (written testimony may be submitted prior to the hearing but not after the conclusion of the hearing). Only those making an appearance of record (those presenting oral or written testimony) shall be entitled to appeal. Failure to raise an issue in the hearing, in person or by letter, or failure to provide sufficient specificity to afford the Review Authority (Hearings Officer) an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on the issue. Those wishing to make an appearance of record should provide their name, address, email, and phone number upon joining the hearing.
- The public hearing will be conducted in accordance with the following rules of procedure as adopted by the Board of Commissioners. Reasonable time limits may be imposed.

#### **RULES OF PROCEDURE**

1. The Hearings Officer will summarize the applicable substantive review criteria.
  2. A summary of the Staff Report is presented.
  3. The applicant's presentation is given. (Please provide 3 copies of all exhibits submitted for the record.)
  4. Testimony of others is given in the order of sign-in. (Please provide 3 copies of all exhibits submitted for the record.)
  5. Applicant's rebuttal testimony is given.
- When the Review Authority reopens a record to admit new evidence or testimony, any person may raise new issues related to the new evidence, testimony or criteria for decision-making, that apply to the matter at issue.
  - If you require further information about the application before making a submission, a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost at the Department of Land Use and Transportation. A copy of this material will be provided at reasonable cost.
  - A copy of the staff report will be available for inspection at no cost at the Department of Land Use and Transportation at least 7 (seven) days prior to the hearing. A copy of the Staff Report will be provided at reasonable cost.

**For further information, please contact:** Stephen Shane, Principal Planner at 503-846-8127 at the Department of Land Use and Transportation. (Main phone 503-846-8761)

**COMMENTS WILL BE ACCEPTED UNTIL THE CLOSE OF THE RECORD AND AS DIRECTED BY THE HEARINGS OFFICER. PLEASE ADDRESS YOUR LETTER TO THE ATTENTION OF THE PLANNER, WITH REFERENCE TO THE CASEFILE NUMBER. PLEASE INCLUDE YOUR FULL MAILING ADDRESS (LEGIBLY PRINTED) TO BE INCLUDED AS A PARTY OF RECORD.**

Washington County Current Planning Services Division  
 Stephen Shane, Principal Planner  
 Casefile / Project #: L2200066-SU/D/PLA/PLA REMAND  
 155 N. 1st Avenue, #350-13  
 Hillsboro, OR 97124

**Electronic comments may be submitted prior to the scheduled hearing date by visiting:**

<https://www.washingtoncountyor.gov/lut/resources/comment-project>

<https://webapps.washingtoncountyor.gov/projects-comment/#top>

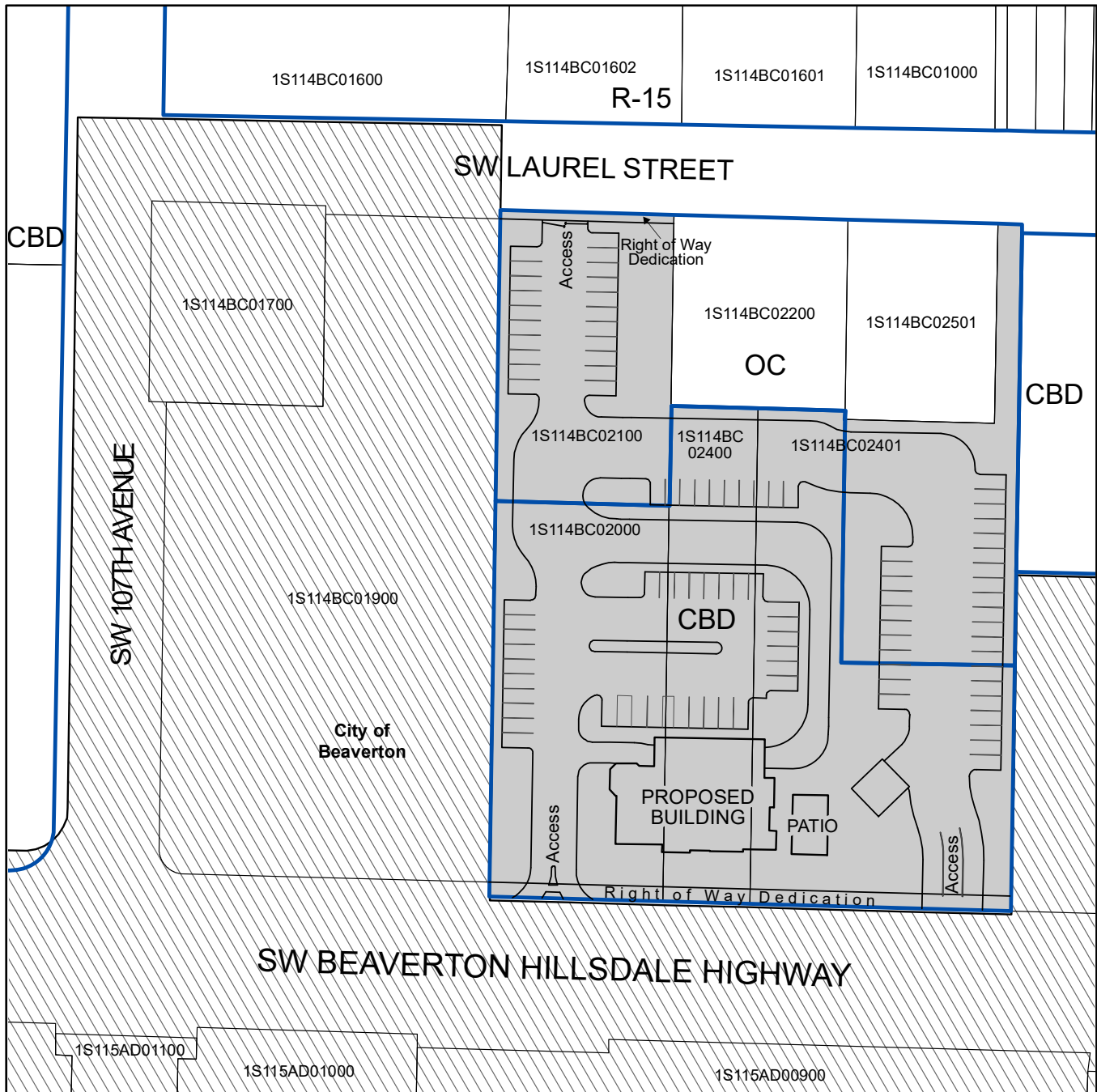
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**Assistive Listening Devices** are available for persons with impaired hearing and can be scheduled for this meeting.

**RE: Sign Language and Interpreters.** *If you need a sign or spoken language interpreter, please call 503-846-8761 (or 7-1-1 for Telecommunications Relay Service) at least 48 hours prior to this hearing.*

Upon request, the County will also endeavor to arrange for the following services to be provided:

1. Qualified sign language interpreters for persons with speech or hearing impairments; and
2. Qualified bilingual interpreters.



↑ 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

## **Instructions for the Virtual Hearings Officer**

**To join online or by phone via Zoom, please go to the link below to join the webinar:**

<https://us02web.zoom.us/j/88556556632>

By Telephone: **1 669 900 6833**; Webinar ID: **885 5655 6632**

**If joining via phone, the following commands can be entered:**

**\*6** - Toggle mute/unmute

**\*9** - Raise hand

**If you encounter technical difficulties during the meeting, please refer to Zoom Support at**

<https://support.zoom.us/hc/en-us>

You may also visit Suite 350 of the Public Services Building at 155 N. First Avenue in downtown Hillsboro, where virtual access to the hearing will be provided. Please notify the Hearings Clerk, Louisa Bruce [Louisa\\_Bruce@washingtoncountyor.gov](mailto:Louisa_Bruce@washingtoncountyor.gov) via email or phone at 503-846-3849 if you require this service.

To provide public testimony during the hearing by telephone or by Zoom Webinar, at least 24 hours prior to the meeting you must contact [Louisa\\_Bruce@washingtoncountyor.gov](mailto:Louisa_Bruce@washingtoncountyor.gov) (503-846-3849) & the listed staff project planner assigned to the file: [Stephen\\_Shane@washingtoncountyor.gov](mailto:Stephen_Shane@washingtoncountyor.gov) (503-846-8127) at least 24 hours prior to the meeting with the following information:

- First and Last Name
- Email Address
- Phone Number
- Full Mailing Address
- How would you like to provide testimony? (Specify an option below)
  - By phone. If by phone, specify the number will you call from.
  - Online, via Zoom.
- Hearings Officer Meeting Date and the Hearing Item you are interested in.
- At which point in the meeting would you like to speak? (Specify an option below)
  - Testimony in favor of the application.
  - Testimony in opposition of the application.
- Are you providing testimony as an Individual or Group? If you are a group, please provide your group's name and the number of people with comments.

**After submission of your email, you will receive a confirmation receipt.**

Or, at least 24 hours prior to the meeting, you may phone county staff at 503-846-8761, to register to provide testimony via telephone or Zoom Webinar.

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### **What to Expect During the Hearing:**

- You will hear the Hearings Officer and Staff and see them on your screen, but they will not see you until you are admitted to the Hearing by the meeting facilitator.
- Your microphone will remain muted until the designated times for public comment and/or testimony.
- When it is your time to provide testimony, your name will be called, and your microphone will be unmuted by the meeting facilitator.
- State your name prior to delivering your testimony.
- For optimal audio, please speak slowly and clearly into your microphone/phone.
- Once you have provided your comment, your microphone will be muted.

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