

Andrew Mulkey

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October 10, 2025

Via Email

Bryan LaVigne
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Kevin McConnell
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Re: Noise Complaints for Lam Research and the City's Code
Compliance response.

Mr. LaVigne,

I represent Mr. Brett Hamilton, who has submitted a noise complaint to the City regarding noise generated by the Lam Research campus on SW Leveton Drive. Mr. Hamilton sent in a complaint by email on November 21, 2024 and sent another email to the City Council on August 12, 2025. In addition, Mr. Hamilton let me know that the City has received dozens of noise complaints from other residents for noise generated by Lam's facilities.

I am writing for a number of reasons. First, and based on the City's response to Mr. Hamilton's complaint, I am concerned that the City may be ignoring an important aspect of its noise ordinance in its response to Mr. Hamilton and others. Second, I request that the City consider both the decibel level of the noise that comes from Lam's campus and the fact that the noise generated by Lam meets the definition of a "noise disturbance." Next, to the extent that the City needs additional evidence that the sounds coming from Lam's campus meet the requirements of a "noise disturbance," I have included a summary of that evidence at the end of this letter. Finally, if the City decides to take additional sound readings, I ask that the City coordinate with Mr. Hamilton or other residents who experience the disruptions caused by Lam's equipment. The sound produced by the equipment on Lam's campus is constant. However, the degree to which that sound carries into the nearby residential areas depends in part on weather conditions and wind direction. Coordination will ensure that the City fully understands the nature of the sound and the disruption it causes to Mr. Hamilton and others.

Hamilton Response Ltr. to Mr. LaVigne

The City Cannot Overlook TMC 6-14-030 and 6-14-110(1).

Mr. Hamilton provided me with a copy of an October 3, 2025 email that Mr. LaVigne sent out in response to noise complaints for sounds coming from Lam's campus and facilities. Mr. LaVigne's email implies that the noise complaints are limited to loud noise, or noises above a certain decibel level:

“in order to determine if a noise violation is occurring, a noise level reading will be needed from each address to determine if there is a possible violation of TMC 6-14-050 - Exceeding Decibel level.”

Based on the code, I believe there is a difference between a violation for “any noise” that exceeds a specific decibel level (i.e. loud noise) and what the code refers to and defines as a “noise disturbance.” The noise ordinance prohibits “any noise from any sound source that exceeds” the decibel levels listed in TMC 6-14-050. But the code at TMC 6-14-030 also prohibits “the creation or continuance of any noise disturbance,” a term the code defines in TMC 6-14-020 as including “any sound that... disturbs a reasonable person of normal sensitivities from enjoying their property.”

In response to Mr. Hamilton's complaint and those of other residents, it appears that Mr. LaVigne and the City are focused on the decibel thresholds listed in TMC 6-14-050. As explained in greater detail below, Mr. Hamilton has demonstrated on a number of occasions that the sound coming from Lam's facility can exceed the 50 decibel threshold set for noise sensitive properties. However, I want to bring to the City's attention that in this instance, the City is overlooking, and potentially misinterpreting and misapplying, the noise ordinance provisions that prohibit “noise disturbance.” TMC 6-14-030, 6-14-020, 6-14-0110(1).

It is my understanding that many of the people complaining about the noise from Lam Research, including Mr. Hamilton, are specifically complaining that the noise from Lam's facilities violates the provisions of TMC 6-14-030. That section of the code prohibits the knowing “creation or continuance of any noise disturbance.” TMC 6-14-030. Moreover, the existence of a “noise disturbance” does not depend on a particular decibel reading. By its terms—and unlike the prohibition in TMC 6-14-050 on “any noise” that exceeds one of the listed decibel levels—the City's noise ordinance and TMC 6-14-030 do *NOT* require that a “noise disturbance” exceed any specific decibel level before the City will consider the noise to be a violation of TMC 6-14-030. *Compare* TMC 6-14-110(1) and 6-14-110(2).

Text and Context of the Noise Ordinance

Here's what the ordinance says:

“No person shall knowingly create, permit, or assist in the creation or continuance of any noise disturbance.”

TMC 6-14-030. The code defines “noise disturbance” as follows:

“any sound that: (a) injures or endangers the health or safety of a person; (b) disturbs a reasonable person of normal sensitivities from enjoying their private real property; or (c) injures or endangers personal or real property.”

TMC 6-14-020. In addition to TMC 6-14-030, the code lists noises that it considers “per se” “noise disturbances.” These include noise disturbances made by sound equipment, animals, power equipment, dynamic breaking devices, idling engines, and motor vehicle repair. TMC 6-14-040.

Therefore, the code identifies three different ways that a noise can violate the noise ordinance. A noise can meet the definition of a “noise disturbance,” it can be listed as a “per se” noise disturbance, or as described in TMC 6-14-050, it can be “any noise” that exceeds a particular decibel level. Depending on the category, TMC 6-14-110 establishes different evidentiary requirements to establish a violation. One standard applies to a “noise disturbance” based on TMC 6-14-030 and TMC 6-14-040; and a different standard for loud noises described in TMC 6-14-050:

“(1) To establish a violation in an enforcement action based on sections 6-14-030 and 6-14-040 requires the evidence of at least two persons from different households. Any police officer, code enforcement officer, or other city employee who witnessed the violation shall be counted as a witness for purposes of the two witness requirement.”

“(2) To establish a violation in an enforcement action based on TMC 6-14-050 requires the evidence of a sound measurement device that:

- (a) Is in good operating condition;
- (b) Meets the requirements of a Type I or Type II meter;
- (c) Contains at least an A-weighted scale and both fast and slow meter response;
- (d) Was operated by a person trained in the use of a sound meter and used in a manner consistent with that training.”

TMC 6-14-110. The text and structure of TMC 6-14-110 demonstrates that “to establish a violation” of TMC 6-14-030, the City and the complaining party do NOT need to demonstrate that a “noise disturbance” exceeds any particular decibel threshold listed in TMC 6-14-050. A violation “based on” section 6-14-030 may be established by providing evidence of at least two persons from different households. TMC 6-14-110(1).

Conclusion

By focusing only on the decibel levels in TMC 6-14-050 and the “per se” or “specific noise disturbances” listed in TMC 6-14-040, the City appears to ignore the text of TMC 6-14-030 and TMC 6-14-110(1). Those provisions allow the City to enforce against a “noise disturbance” that is not listed as a “per se” noise disturbance. Mr. LaVigne’s October 3, 2025 response appears to incorrectly ignore an entire category of “noise disturbances” prohibited by the City’s noise ordinance.

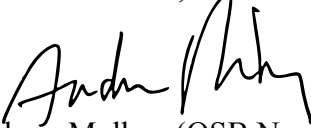
Based on the characteristics of the sounds produced by Lam's facilities, it is appropriate for the City to consider *both*, TMC 6-14-030 and TMC 6-14-050. The sounds produced by Lam meet the criteria required for a "noise disturbance," and in many instances they also fall within the prohibition for loud noise that exceeds the decibel limits described in TMC 6-14-050. For that reason, in its response to Mr. Hamilton's complaint and the complaints of others in the neighborhood, I ask that the City also address and consider TMC 6-14-030 and TMC 6-14-110(1) when evaluating the sounds generated by Lam's facilities.

For ease of reference, I have included with this letter a consolidated summary of the evidence and statements from nearby residents that explains how the sound generated by Lam's facilities and equipment meet the requirements for a "noise disturbance." See Attached "*Consolidated Evidence that Lam's Facilities Create a 'Noise Disturbance' and also Violate TMC 6-14-050.*" The same attachment also demonstrates that Lam's facilities violate 6-14-050. I ask that the City please consider that evidence when evaluating and responding to Mr. Hamilton's complaints.

Finally, if Mr. LaVigne or others responsible for documenting and verifying the noise coming from Lam's facilities decide to gather additional evidence, I ask that they coordinate with Mr. Hamilton and others to ensure they document the sounds generated by Lam at the times and conditions in which they are at their most disruptive.

Thank you for your consideration and attention to this matter. Please let me know if you have any questions, need clarification, or would like additional information.

Date: October 10, 2025


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Enclosures:

Attachment: "Consolidated Evidence that Lam's Facilities Create a 'Noise Disturbance' and also Violate TMC 6-14-050."

cc w/ enclosures:

Client

Kevin McConnell, Tualatin City Attorney

Consolidated Evidence that Lam's Facilities Create a "Noise Disturbance" and also Violates TMC 6-14-050

The level and frequency of noise complained of by Mr. Hamilton and others meets the definition of a "noise disturbance"—specifically "any sound that: ... (b) disturbs a reasonable person of normal sensitivities from enjoying their private real property." To the extent that the City believes that the information contained in any existing complaints falls short of what is required by TMC 6-14-110(1), please consider the following information:

1. Mr. Hamilton lives at 11430 SW Kalispell St. in Tualatin.
2. Mr. Hamilton has provided the City with a video that explains the frequencies and pulsing noises generated by Lam's facilities.¹ For reference, here is a summary of the statements in the video:
 - Lam's rooftop equipment generates a continuous and pulsing sound that penetrates inside homes, even when windows and doors are closed.
 - The nature of the sound is objectionable and disrupts residents' ability to sleep, including Mr. Hamilton's.
 - The sound has been measured at a private residence across the street from Lam's facility, that sound was measured at 52 decibels at night by a licensed acoustical engineer at a residence across the street from Lam's facility. Note that this measurement was taken from a different residence than Mr. Hamilton's.
3. In addition to the information provided in the video, Mr. Hamilton has submitted six noise complaints with Washington County non-emergency dispatch. The sounds generated by Lam's facilities have kept Mr. Hamilton up at night, and at times have caused him to have to sleep in a different room in his house. The pulsing, clear tones are invasive and very difficult to ignore, and they share some similarities with an alarm clock.
4. The sound from Lam's facilities, specifically Lam's gas plant, has been measured at the residential property located at 11045 SW Tualatin Road at night above the 50-decibel threshold set by TMC 6-14-050.
5. The sound from the gas plant travels far into the residential neighborhood to the north of Lam's campus, and the noise from Lam's rooftop air handling equipment (located near building D) carries even further than the gas plant noise. Lam's rooftop air handlers are so loud that, in the winter, you can hear them over a mile away on Durham Road in Tigard.
6. The degree of the disturbance that results from the sounds produced by Lam's equipment can depend in part on the weather and direction of the wind. In the winter when the wind is from the south, clearly-audible tones from Lam's fans can be heard inside Mr. Hamilton's house with the windows closed. One of these tones can even be heard in Mr. Hamilton's upstairs guest bathroom (which has no windows) because the sound carries through the roof vent.

¹ <https://www.youtube.com/watch?v=lyzioqzFeXw>

7. Mr. Hamilton has communicated with Lam about the sounds generated by their equipment since January 2023. Although Lam has attempted to mitigate some of the sounds coming from their facilities, the company has not been able to resolve the issue or stop the noise from disturbing nearby residents. Lam is aware that their equipment produces the sounds that Mr. Hamilton and others are hearing on their properties.

8. Other households are also able to hear the sounds generated by Lam's facility, and they have provided Mr. Hamilton with statements about their own experiences that explain how the sounds have disrupted the use and enjoyment of their property. They also agreed that Mr. Hamilton may share their statements here:

Mr. Harvey Light who lives at 11405 SW Kalispell St. writes, "I am acutely aware of the noises from Lam and other neighbors to the south as I am often up in the wee hours of the morning."

Mr. Marius Brisan who lives at 17850 SE 113th Ave. writes about the "[i]mpact of LAM noise on our life:"

"- there were many nights when we could not fall asleep due to high pitch sounds coming from LAM campus, even with the windows closed

"- when the sound is too annoying to sleep we have to use ear plugs, which is unsafe since we cannot hear if our phone goes off or if anyone breaks into the house

"- many nights during the warmer season we went to sleep with the windows open, only to be awakened by the 'buzzing' sound from LAM, once we closed the windows the sound could still be heard

"- all the restless nights affects out basic quality of life: we drive to/from work in a tired state; at work our performance is lacking since we are cranky and tired; with only a few hrs of sleep we are not getting along with our family members and friends"

Ms. Sue Hein who lives at 10975 SW Tunica St. has stated the following:

"It was an ongoing 'pain' this summer to open my window, cool breeze and crickets chirping, all to be drowned out by beeping overtaking the calm of the night. Closing the window lessened the beeping noise, but it was still there. Come morning, I'd open it again, only to hear the same."

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November 3, 2025

Via Email

City Council
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Re: Appeal Hearing for AR 24-0002, Lam Research Campus, SW Leveton Dr.

Dear Mayor Bubenik and City Councilors:

On behalf of Mr. Hamilton, please accept the following letter for the record in Mr. Hamilton's appeal of AR 24-0002.

Some of the most concerning issues with Lam's proposal include the additional noise and traffic generated by the proposed expansion. This letter addresses the noise that Lam's proposed facilities would generate, if approved by the City Council. The letter explains that Lam has failed to demonstrate compliance with applicable approval criteria for objectionable noises and vibrations.

A. Lam's proposed facilities would produce "objectionable noise" and would unlawfully generate a "noise disturbance."

The sounds and vibrations generated by Lam's current facilities include a range of frequencies that produce disruptive hums, hisses, and pulsing tones. Mr. Hamilton has documented and described the noises that penetrate into his neighborhood, and more distressingly, his home. This issue is not limited to Mr. Hamilton. These sounds and vibrations can be generally heard off-site in the adjacent neighborhood and within nearby residents' homes. Lam's proposed expansion would add equipment and facilities that would result in additional hums, hisses, and pulsing tones.

The provisions of the City's manufacturing park zone address noise concerns, requiring that the "large-scale specialized manufacturing and related uses and research facilities" permitted in the zone "must not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare... or other wastes emanating from the property." TDC 62.100. In addition, Chapter 63, which applies to "all industrial uses" and [a]ll Manufacturing Planning Districts, regardless of the use category," requires that "[a]ll uses and development must comply with Oregon State Department of Environmental Quality standards relating to noise and the City of Tualatin noise ordinance in, TMC 6-14." TDC 63.051. For noise and vibrations, Lam Research has failed to demonstrate compliance with those requirements.

In this case, Mr. Hamilton and others have already documented "objectionable noise" and "vibration" produced by the existing facility. TDC 62.100. Mr. Hamilton has also documented violations of TMC 6-14. The hums, hisses, pulsing tones, and vibrations produced by Lam certainly qualify as "objectionable." The noises that Lam's existing facilities generate also meet the City's definition of a "noise disturbance," defined as sounds that "disturb[] a reasonable person of normal sensitivities from enjoying their private real property." TMC 6-14-030(b). There is also evidence that Lam's facilities produce sounds that exceed the decibel limits described in TMC 6-14-050. The evidence in the record indicates that the additional research laboratory and manufacturing facilities proposed by Lam would add to those already non-compliant existing sounds and vibrations.

Lam's expansion would only increase the number of facilities and equipment that produce noises and vibrations that emanate from the property. Yet Lam has not demonstrated that its proposed expansion could comply with the requirements in TDC 62.100 and TDC 63.051 that prohibit objectionable noises and vibrations. For that reason, Lam's proposal does not meet the requirements for uses permitted in the zone. TDC 62.100; TDC 63.051. The applicant's own noise study documents the additional sounds and vibrations that their new facilities would produce. Those sounds would only combine with, and add to, the already objectionable hums, hisses, and pulsing tones produced by the property. Rather than demonstrate how its proposed construction could be modified or designed to reduce or cancel the noises, Lam asks the City Council to simply ignore the criteria all together.

B. Lam has failed to demonstrate that its proposed facilities will comply with the City's noise limits for the zone.

In its letter, Lam suggests that the criteria listed above are not relevant, and can only be addressed as part of a subsequent code enforcement proceeding. Lam's interpretation is wrong. Lam's understanding of the code would leave the City without any ability to ensure that proposed uses must demonstrate compliance with applicable criteria, before issuing final approval. Of course the City has the authority—prior to approval—to require that Lam demonstrate that its proposed facilities will comply with the code provisions that prohibit the approval of facilities that generate objectionable noises or violate the City's noise ordinance.

The City's planning staff have consistently stated that Lam has the burden to show that its new facilities will comply with the City's noise limits. The Staff lists TDC 62 and TDC 63.051 among the applicable approval criteria. The City's planning staff describe the Architectural

Review as the proceedings that will ultimately provide “approval” for the applicant’s request to construct a 90,000 square foot lab building and other facilities. Therefore, the time to ensure that Lam’s proposed facilities are designed in a way that they will not violate TDC 62.100 and TDC 63.051 is now. Lam must demonstrate compliance with the applicable criteria *before* the City’s final approval of the proposed use.

To that end, Architectural Review decisions may impose conditions of approval that “[i]mplement the requirements of the Tualatin Development Code.” TDC 33.020(6)(iii). The conditions of approval “that may be imposed include, but are not limited to... changes in the design or intensity of the proposed development... necessary to assure compliance with this chapter.” TDC 33.020(6)(b). Architectural Review also provides broad authority to “sustain the comfort, health, safety, *tranquility and contentment* of residents and attract residents by reason of the City’s favorable environment and thus *promote and protect the peace, health, and welfare of the City*.” TDC 33.020(1)(i). The City Council has the authority to require Lam to comply with TDC 62.100 and TDC 63.051.

C. Conclusion: require Lam to modify the facilities and equipment to ensure that its facilities and equipment do not cause objectionable noise to emanate from the property.

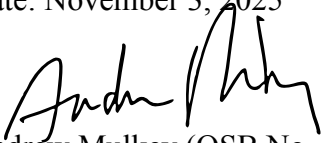
This proceeding appears to provide the only land use approval required before Lam can begin construction of the proposed facilities. *See* Chapter 33.020. The planning staff have described this proceeding as providing the required land use approval required prior to construction. Staff have also listed approval criteria, such as TDC 62 and TDC 63.051, as among the relevant criteria to be considered during Architectural Review. Moreover, the City has the authority needed to impose conditions of approval to ensure compliance with the requirements of the development code, which includes requirements in TDC 62.100 and TDC 63.051. TDC 33.020(6)(iii).

For those reasons, Mr. Hamilton requests that the City deny Lam’s proposal for failing to demonstrate compliance with TDC 62.100 and TDC 63.051. Lam has not demonstrated that its facilities, especially when added to its existing facilities, will comply with the applicable noise criteria. Lam has also failed to propose conditions of approval that would ensure that the sounds generated by its equipment could be or would be dampened or canceled out. Lam has the knowledge about the equipment its facilities will use and the noises that the equipment will produce. For that reason, Lam has the burden to propose changes to its facilities’ design to ensure compliance with TDC 62.100 and TDC 63.051. The development code does not allow applicants to obtain approval for, and then construct uses that would generate objectionable noises and vibrations or otherwise violate the City’s noise ordinance. TDC 62.100, 63.020, 63.051.

Simply put, the development code does not allow Lam to impose a nuisance on its neighbors and residents of the City of Tualatin. The City has the necessary tools to require Lam to demonstrate compliance *prior* to the City’s approval of the new and expanded facilities. And the City may impose conditions of approval during the Architectural Review to make compliance a reality. Mr. Hamilton respectfully requests that the City require Lam to explain how it will design

its new equipment and facilities in a way that ensures compliance with the City's development code. If Lam cannot meet its burden to demonstrate compliance, then Mr. Hamilton asks that the City deny approval until Lam can demonstrate that its expanded facilities will not produce objectionable noises beyond the property line.

Date: November 3, 2025



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