



Request for Review: Lam Research Expansion

AR24-0002

November 10, 2025

Issue Before Council



Consideration of an appeal filed by appellant, Mr. Brett Hamilton, of the ARBs decision to approve AR24-0002, issued on September 10, 2025.

- Approval of Appeal = Confirms the Appellants' Appeal
- Denial of Appeal = Confirms the ARBs September 10th decision



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Subject Site



The site is located at 11155-11361 SW Leveton Drive

Comprised of 4 Tax Lots: 2S122AA 500 and 800; 2S122AB 100; 2S122BA 100

- 75.96-acres
- Access to site from SW 108th Avenue and SW Leveton Drive
- Manufacturing Park Zone (MP)



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Subject Site



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Background



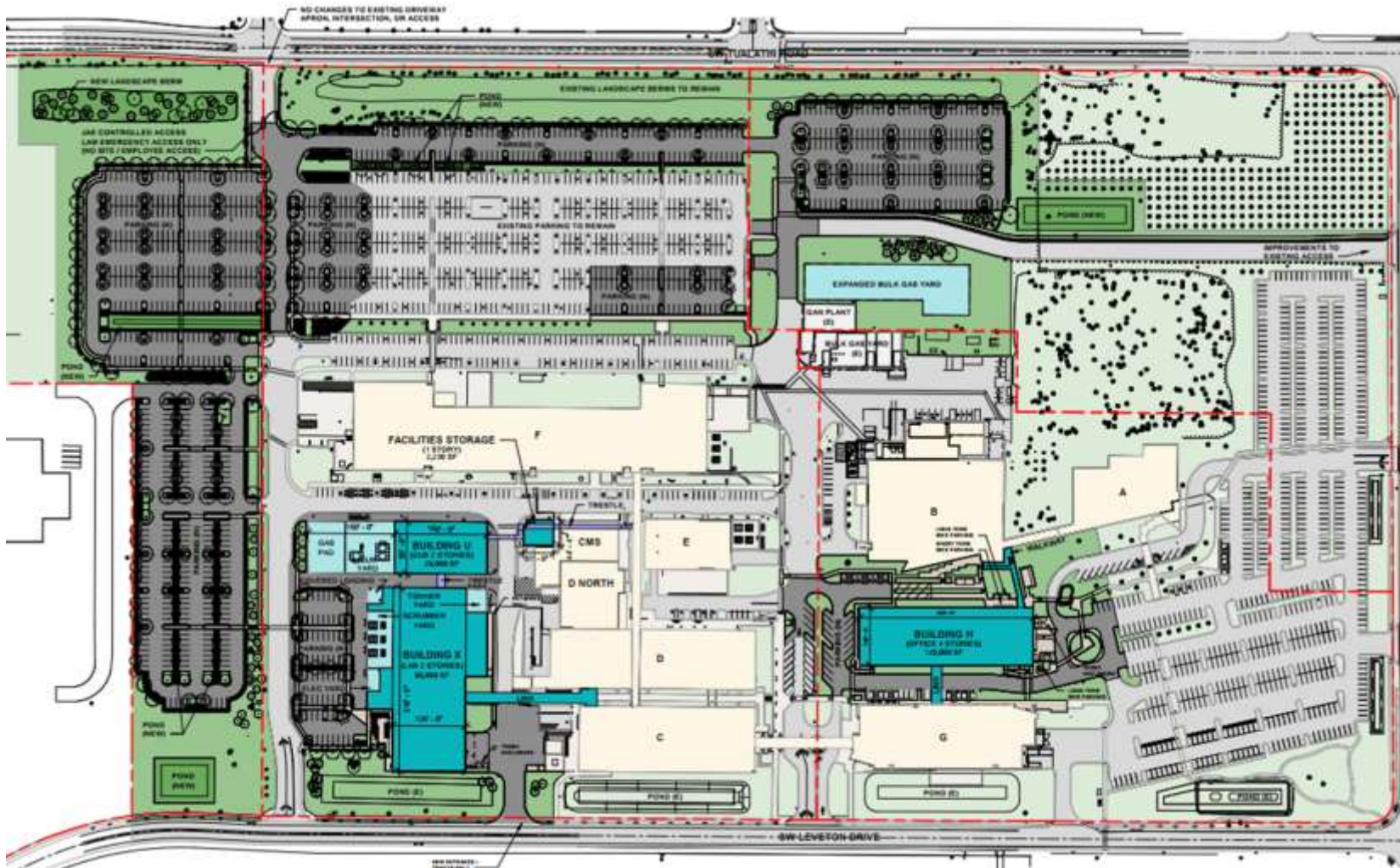
Type III Architectural Review (AR)/Type IV-A Appeal

- AR application submitted on **July 8, 2024**
- Deemed incomplete on **July 24, 2024**
- Deemed complete on **December 16, 2024**
- 1st Notice of Hearing sent **December 16, 2024**
- 2nd Notice of Hearing sent **March 12, 2025**
- 3rd Notice of Hearing sent **May 16, 2025**
- Updated materials submitted on **July 21st & July 22, 2025**
- IMP24-0001 approved by PC on **August 20, 2025**
- Architectural Review Board (ARB) approved AR24-0002 on **September 10, 2025**
- Appellant filed appeal on **September 25, 2025**



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Project Overview



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Project Description



The proposed development includes phased construction of:

- A 120,000-square-foot office building,
- A 90,000-square-foot laboratory building,
- A 29,000-square-foot central utilities building, and
- A 2,230-square-foot storage building.

Site Improvements and Access includes:

- Utilizing of the 3 existing driveways from SW 108th Avenue and 3 existing driveways from SW Leveton Drive
- 1 new truck delivery driveway form SW Leveton Drive
- Net increase of 544 parking spaces including demolition of 468 existing stalls to accommodate new construction and the creation of 1,012 new or replacement spaces
- Site Landscaping and Hardscaping
- Stormwater Facilities and other public improvements



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Architectural Review (TDC 33.020)



Architectural Review for Large Industrial/Commercial Developments:

Approval criteria listed in Chapter 73A through 73G, including:

- Site Design Standards
- Landscaping Standards
- Parking Standards
- Waste & Recyclable Management Standards

Conditions of Approval: may implement identified public facilities and services needed to serve the proposed development through Chapters 74 and 75 and noise generated after a development is constructed and operational is regulated through Chapter 63.



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Appellant's Claims



- Claim 1 - Land use application does not meet all applicable criteria
 - a - Failure to send notice to CIOs as required by TDC 32.120(5)(b)(iii)
 - b - Violations of Manufacturing Park Zoning and Tualatin Noise Ordinance
 - c - Expanded North 108th Entrance does not meet New Driveway Approach Criteria
- Claim 2 - Errors made by the Applicant:
 - a - Commitments to hold a second Neighborhood Developer Meeting and then not holding it
 - b - Traffic Impact Analysis did not consider additional employee work shifts
 - c - Claims that Traffic and Noise are beyond the scope of the Architectural Review
 - d - Claims that TDC Chapter 62 is not relevant AR criteria
- Claim 3 - Errors made by the City of Tualatin:
 - a - Failure to provide the last 3 pages of Lam's noise model to the ARB at their hearing
 - b - Unnecessary delays in releasing Public Records



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Claim: 1 - Land use application does not meet all applicable criteria

a - Failure to send notice to CIOs as required by TDC 32.120(5)(b)(iii)

Finding:

Because the alleged CIO notice deficiency did not:

- *Affect the completeness of the LAM application under TDC 32.160;*
- *Invalidate the Neighborhood/Developer Meeting under TDC 32.120(5)(d); or*
- *Prejudice the substantial rights of any party—*
- *There is no basis for invalidating the Architectural Review Board's approval of AR24-0002. A CIO representative participated in the early process, and multiple mailed and emailed notices provided ample opportunity—over 268 days—for public comment prior to the ARB hearing on September 10, 2025.*
- *Page 7 of the Staff Analysis and Findings (Exhibit A)*



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Claim: 1 - Land use application does not meet all applicable criteria

- b - Violations of Manufacturing Park Zoning and Tualatin Noise Ordinance

Finding:

- *There is an active City code enforcement investigation addressing existing noise from Lam's current facilities. Condition of Approval A25 ensures that any additional development under AR24-0002 will be subject to the same environmental and noise standards upon completion.*
- *TDC 62.100 purpose statement which restricts uses from creating objectional noise and other nuisances is evaluated and implemented through the Environmental Regulations chapter (TDC 63).*
 - *This is because there is no criteria or definition of "objectionable noise" in the Manufacturing zone or parts of the Tualatin Development Code creating the reliance on TDC 63.051- Noise to regulate the purpose statement in the Manufacturing Park Zone.*
- *Condition of Approval A25 "The proposed development must comply with the Environmental Regulations of TDC Chapter 63".*
- *Because the alleged noise issue pertains to existing operations and not to the unbuilt TUX project, it does not constitute grounds for invalidating the September 10, 2025, Architectural Review Board approval of AR24-0002.*
- *Page 25 of the Staff Analysis and Findings and Conditions of Approval (Exhibit A)*



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Claim: 1 - Land use application does not meet all applicable criteria

c - Expanded North 108th Entrance does not meet New Driveway Approach Criteria

Finding:

- *Until Lam's July 21, 2025, redesign removed the proposed Tualatin Road driveway, 108th Avenue access had not been raised as an issue, in fact, the Appellants' email from December 9, 2024, encouraged the use of the three existing driveways on 108th Avenue.*
- *Lam's proposal is to connect a new parking area to the existing drive aisle and driveway that currently exists on SW 108th.*
- *Connecting the north parking lot to an existing driveway does not invalidate the September 10, 2025, ARB decision approving AR24-0002.*
- *It is an assumption on the Appellants part that a large number of employees exiting the Lam Campus will only use the northernmost driveway from 108th Avenue and then turn onto Tualatin Road.*
- *Lam is not proposing any new driveways on SW 108th.*
- *Pages 55–60 of the Staff Analysis and Findings (Exhibit A)*



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Claim 2 - Errors made by the Applicant



- a - Commitments to hold a second Neighborhood Developer Meeting and then not holding it

Finding:

- *TDC 32.120 – Neighborhood/Developer Meetings describes when a neighborhood/developer meeting is required, timing of the neighborhood/developer meeting after a preapplication meeting is conducted, time and location of meeting, noticing requirements and documents the applicant is required to submit as part of the Architectural Review application.*
- *There is no stated requirement for a second neighborhood/developer meeting. The neighborhood developer meeting was held on June 5, 2024, in accordance with TDC 32.120.*
- Page 9 and 10 of the Staff Analysis and Findings (Exhibit A)



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Claim 2 - Errors made by the Applicant



- b - Traffic Impact Analysis did not consider additional employee work shifts

Finding:

- *The applicant's traffic study used standard Institute of Transportation Engineers (ITE) published standard rates for this type of development. Staff are unaware of any plans by Lam to have multiple shifts. In accordance with the City's traffic analysis guidelines, the applicant studied the combination of trip generation and street traffic volume with the highest probability of traffic problems developing. If other shift changes were to be made, the shift changes would be at times of the day with lower street traffic volumes, and thus lower potential for traffic problems.*
- Pages 59-61 of the Staff Analysis and Findings (Exhibit A)



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Claim 2 - Errors made by the Applicant



- c - Claims that Traffic and Noise are beyond the scope of the Architectural Review

Finding:

- *The Architectural Review (AR) process evaluates proposed, unbuilt developments for compliance with applicable standards in TDC Chapters 73A–73G, with related provisions in Chapters 62, 63, 74, and 75.*
- *Under TDC 33.020(6), conditions of approval may be applied to ensure adequate public facilities, address development impacts, and implement code requirements.*
- *A Transportation Impact Analysis reviewed by the City Engineer, DKS Associates, and ODOT found the study met City standards and required no mitigation.*
- *ODOT concurred that all affected intersections meet mobility standards, acknowledged limited capacity for further improvements along OR 99W, and noted that while signal retiming could enhance flow, it is not considered mitigation under ODOT policy.*
- *Transportation requirements are located on pages 59-61 and Noise is discussed on Page 25 (Exhibit A)*



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Claim 2 - Errors made by the Applicant



- d - Claims that TDC Chapter 62 is not relevant AR criteria

Finding:

- *Chapter 62 Manufacturing Park Zone (MP) is the zoning that is applicable to the review AR24-0002.*
- *Chapter 62 lists permitted, conditional and limited land uses, limitations on uses and development standards such as setbacks.*
- *City Staff evaluated the proposed development in light of Chapter 62 and it's unclear how this would be grounds for reversing the ARBs decision approving AR24-0002.*
- *Pages 22 - 25 of the Staff Analysis and Findings (Exhibit A)*



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Claim 3 - Errors made by the City of Tualatin

- a - Failure to provide the last 3 pages of Lam's noise model to the ARB at their hearing

Finding:

- *The Lam TUX Expansion Environmental Noise Model is dated September 10, 2025. The City received this study on Wednesday, September 10, 2025, at 4:42 p.m., the day of the Architectural Review Board (ARB) public hearing.*
- *A technical printing issue initially caused the final 3 pages of the 5 page noise model to be omitted.*
- *There is no requirement in the Tualatin Development Code for a formal "noise model" in either TDC 32.140 Application Submittal or 33.020 (4) Architectural Review Submittal Materials.*
- *Community members may provide additional written or verbal input up until and during the hearing until the close of the public comment portion of the hearing.*
- *The timing of the noise model's submission does not constitute an error by the City, nor does it provide grounds to reverse the ARB's approval of AR24-0002.*
- *The concern raised by the Appellant regarding the timeliness of providing Lam's Noise Model is not an Architectural Review requirement, criterion or a reason to overturn the ARB's decision approving AR24-0002.*



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Claim 3 - Errors made by the City of Tualatin

- b - Unnecessary delays in releasing Public Records

Finding:

- *The appellant made two requests for public records, one on July 15th and a second request on July 21, 2025.*
- *The Deputy City recorder provided a response on July 15th that new materials had not yet been submitted.*
- *“The City shall respond to all requests as soon as practical and without unreasonable delay within five (5) business days or within five (5) business days will explain why more time is needed for a full response”.*
- *Lam officially submitted materials on July 21st and 22, 2025.*
- *Access to the updated application materials were provided the appellant on July 23, 2025.*
- *The concern raised by the Appellant regarding unnecessary delays in release of public information is not a criterion that is reviewed as part of the Architectural Review process and is not a reason for reversing the approval of AR24-0002.*



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Request for Review/Appeal

- TDC 32.310 (Request for Review) applies to this process:
 - Staff has provided Memorandum addressing all claims within the Appellants' appeal
- The City received additional materials from the Appellant (Brett Hamilton)
- The City receive additional materials from the Applicant (Lam)
- One public comments received



COUNCIL ACTION



City Council is asked to make a decision on the Appeal or Request for Review of the ARBs September 10, 2025, decision approving AR24-0002 Lam Research Expansion.

Council may:

- *Deny the Appeal and affirm the Architectural Review Boards September 10, 2025, decision approving the application with Conditions;*
 - ***i.e. deny appeal***
- *Reverse the AR24-0002 Decision and adopt a written order that clearly states the basis for the Council's decision; or*
 - ***i.e. approve appeal***
- *If the City Council identifies approval criteria that are not satisfied and is inclined to uphold the appeal, it must continue the proceedings to allow the applicant an opportunity to modify the proposal or recommend conditions of approval that would allow the application to be approved.*



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