



November 10, 2025

To: City Council

From: Aquilla Hurd-Ravich, Community Development Director
Keith Leonard, Associate Planner
Mike McCarthy, City Engineer

Re: Supplemental Staff Memo – Architectural Review (AR) for Lam Research Corporation located at located at 11155-11361 SW Leveton Drive (Tax Lots: 2S122AA500 & 800, 2S122A00100, 2S122BA00100) in the Light Manufacturing Park Zone (MP).

Subject: AR24-0002 Lam TUX Development - An Appeal or Request for Review of the September 10, 2025, Architectural Review Board decision approving,

I. INTRODUCTION

The city has received an Appeal of a Type III Architectural Review Board decision for AR24-0002 on September 10, 2025, approving, with conditions, the construction of four buildings totaling 241,230 square feet on four lots comprising 75.96 acres in the Manufacturing Park Zone (MP). The staff memorandum will address all stated issues in the appeal (Attachment B). The “Appellant” Brett Hamilton filed an appeal (Exhibit B) on September 25, 2025, within the allotted 14-day appeal period.

II. PROCEDURES AND LEGAL FRAMEWORK

New developments of 50,000 square feet or larger industrial and commercial use properties are subject to a Type III Architectural Review, as described in Tualatin Development Code (TDC) 32.230, following a Quasi-Judicial Review and public hearing before the Architectural Review Board as provided under TDC 33.020. The Lam development proposals has been reviewed as commercial use due to the office component of the proposal. Written notice under 32.230(3) was provided and opportunity to comment both in writing before the hearing and/or orally at the hearing under TDC 32.230 (4)(a) was described in all public notices.

The Appeal is governed by the procedure set out in TDC 32.310, subject to the following limitations:



- An appeal of a Type III decision may be made by any person who submitted written comments prior to or during the public hearing or provided testimony at the public hearing.
- A Notice of Appeal must be made within 14 calendar days of the date of mailing the written Notice of Decision or Notice of Adoption. The Notice of Appeal must be on forms provided by the City and be accompanied by the appeal fee. The notice of appeal must contain the following:
 - Identification of the decision sought to be appealed, including its assigned case number, the title or caption of the decision, and the decision date; and
 - The name and mailing address of the appellant and a statement establishing the appellant's standing to appeal the decision, including how the appellant is adversely affected by the decision.
- The timely and complete filing of the notice of appeal and payment of the appeal fee are jurisdictional. The City Manager cannot accept a notice of appeal that does not comply with this section.

When reviewing a land use application, the City must approve or deny the request considering only the “standards and criteria” adopted within the TDC and ORS 227.173(1). This means that the Council cannot deny the application for reasons that are not set forth in the relevant approval criteria, which are provided in the ARBs decision AR24-0002. Where the ARB finds that the adopted standards and criteria are satisfied, the application must be approved. TDC 33.020 (c) states “Applications General Development must comply with the applicable standards and objectives in TDC Chapters 73A through 73G. General Architectural Review decision may include conditions of approval that apply restrictions and conditions that:

- Implement identified public facilities and services needed to serve the proposed development;
- Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and
- Implement the requirements of the Tualatin Development Code.

Types of conditions of approval that may be imposed include, but are not limited to:

- *Development Schedule.* A reasonable time schedule placed on construction activities associated with the proposed development, or portion of the development.
- *Dedications, Reservation.* Dedication or reservation of land, or the granting of an easement for park, open space, rights-of-way, bicycle or pedestrian paths, Greenway, Natural Area, Other Natural Area, riverbank, the conveyance of title or easements to the City or a non-profit conservation organization, or a homeowners' association.
- *Construction and Maintenance Guarantees.* Security from the property owners in such an amount that will assure compliance with approval granted.

- *Plan Modifications.* Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this chapter.
- *Other Approvals.* Evaluation, inspections or approval by other agencies, jurisdictions, public utilities, or consultants, may be required for all or any part of the proposed development.
- *Access Limitation.* The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

III. FACTUAL BACKGROUND

The Lam Research campus site consists of a 75.96-acre campus on four lots located at 11155-11361 SW Leveton Drive (Washington County Tax Lots: 2S122AA 500 and 800; 2S122AB 100; 2S122BA 100). The general location of the site is south of SW Tualatin Road, west of SW 108th Avenue and north of SW Leveton Drive. Lam Research also has facilities south of Leveton Road and one building east of SW 108th Avenue. The four subject lots of AR24-0002 are zoned Manufacturing Park (MP).

The site contains several existing buildings and improvements, parking areas and drive aisles, stormwater facilities, walkways, landscaping, and hardscaping. The site is accessed by three driveways from SW 108th Avenue and three accesses from SW Leveton Drive. There is an access on SW Tualatin Road for JAE for deliveries and JAE employees and shared with Lam for emergency access only. This site is in the former Leveton Urban Renewal District. Currently, Lam Building “G”, approved with IMP22-0001/AR22-0006, is under construction and nearing completion in the southeast portion of the site but not depicted in Figure 1. The site slopes gradually from high elevations of 180 to 190 feet along SW Tualatin Road to low elevations of 140 to 160 feet along SW Leveton Drive, approximately a 40 feet elevation change from north to south.

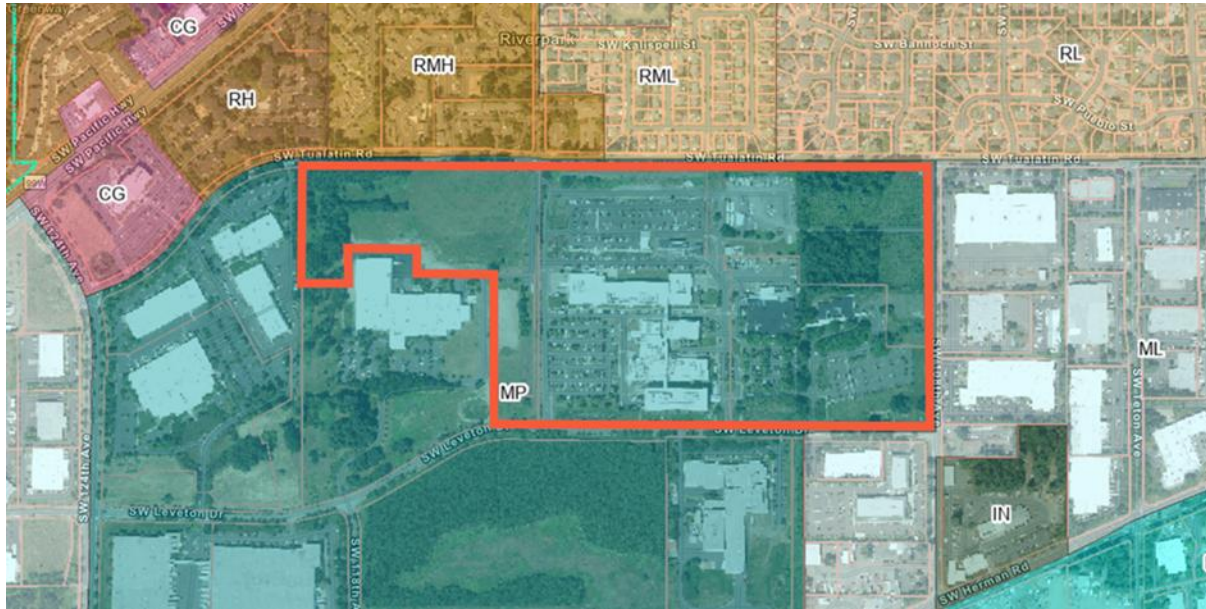


Figure 1: Aerial view of subject site (outlined in red)

IV. PROJECT DESCRIPTION

The original Architectural Review (AR) application, AR24-0002, was submitted on July 8, 2024. The Applicant received approval of their Industrial Master Plan, IMP24-0001, from the Planning Commission on August 20, 2025, and this decision is final. The City deemed the application complete on December 16, 2024. Following that determination, the applicant submitted revised materials that modified the original project design, consistent with the provisions of TDC 32.170 (Revised Applications). The final revised submittal was received on July 29, 2025.

The current application included substantial changes from the July 2024 proposal. Notably, the applicant has eliminated a previously proposed employee access to SW Tualatin Road (the existing access serving JAE and the emergency access for Lam will remain). In addition, the total building area has been reduced from approximately 423,470 square feet to 241,230 square feet.

Public improvements associated with the proposed development include:

- Half-street right-of-way dedication and street improvements along SW Leveton Drive and SW Tualatin Road.
- Dedication of public utility easements along SW 108th Avenue, SW Leveton Drive, and SW Tualatin Road to accommodate water meters, vaults, and onsite water laterals.
- Construction of sidewalk along the northernmost access to SW 108th Avenue and evaluation of other sidewalks for ADA compliance.
- Traffic signal coordination at the intersection of OR 99W and SW Tualatin Road to improve left-turn movements onto SW Tualatin Road.

- Evaluation and installation of street lighting to meet City standards.
- Street tree planting consistent with approved permit plans.

Modifications to existing and construction of new stormwater facilities will ensure compliance with treatment, hydromodification, and detention requirements for all private impervious surfaces.

The proposed development includes 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,

All building construction will be concentrated in the southern and western portions of the campus. The lab and office buildings feature insulated metal panels with smooth and ribbed textures in shades of gray and silver. The lab building includes limited window openings due to its functional requirements. The storage building will utilize painted concrete panels in gray tones, while the office building matches the architectural character of Building G, currently being constructed and nearing completion pursuant to IMP 22-0001 and AR 22-0006. The unoccupied storage building will feature corrugated metal siding and roofing with no windows.

Additional employee parking will be in the northern and western part of the site. The northernmost parking lot will be accessed from the existing northernmost driveway on SW 108th Avenue and existing westernmost driveway from SW Leveton Drive. A new driveway on SW Leveton Drive will be limited to truck traffic only.

The project will result in a net increase of 544 parking spaces. This figure includes demolition of 468 existing stalls to accommodate new construction and the creation of 1,012 new or replacement spaces, including 127 spaces previously approved under AR 22-0006 but not constructed. Associated improvements include new landscaped and hardscaped areas and the installation of stormwater detention ponds.

Along SW Tualatin Road, the applicant proposes to extend the existing landscape berm westward to provide additional voluntary buffering between the site and adjacent uses. The extended landscape berm will be constructed using fill generated from Phase 2 excavations and completed during Phase 3 (see phasing description below).

The applicant proposes a three-phase construction schedule:

- Phase 1: Construction of the office building and northern parking lot within two years of AR 24-0002 approval.
- Phase 2: Construction of the lab, central utilities building, and storage building within four years.
- Phase 3: Expansion of the bulk gas yard and additional parking in the southwestern portion of the site, beginning within six years.

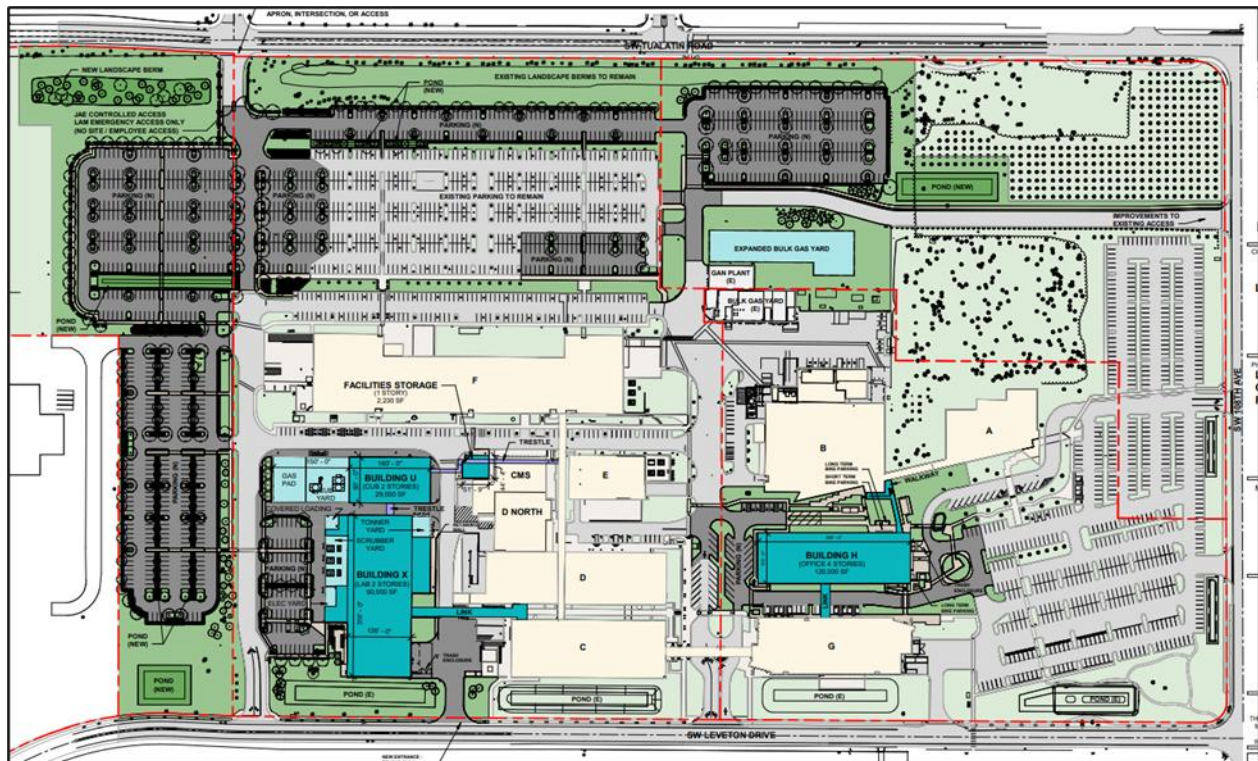


Figure 2: Site Plan (overview, dark gray and blue areas are locations where new development is proposed)

V. APPLICABLE TUALATIN DEVELOPMENT CODE AND MUNICIPAL CODE SECTIONS

The following Chapters of the Tualatin Development Code (TDC) are applicable to the subject project:

- TDC 33.020: Architectural Review
- TDC 33.050: Industrial Master Plan
- TDC 33.110: Tree Removal Permit/Review
- TDC 62: Manufacturing Park (MP) Zone
- TDC 63: Industrial Uses and Utilities and Manufacturing Zones – Environmental Regulations
- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards
- TDC 74: Public Improvements
- TDC 75: Access

The Architectural Review approval criteria (33.020 (5)) require compliance with the following chapters of the TDC:

- TDC 73A: Site Design Standards
- TDC 73B: Landscaping Standards
- TDC 73C: Parking Standards
- TDC 73D: Waste and Recyclables Management Standards

The remaining chapters, 33.020 , 33.050, 33.110, 62, 74 and 75, have been reviewed to ensure compliance with the Tualatin Development Code and in some cases conditions of approval were added where needed as allowed per TDC 33.020 (6).

VI. DISCUSSION OF ISSUES RAISED BY APPELLANT

The Appellant submitted an Appeal of the ARB Decision approving AR24-0002 on September 25, 2025, within the 14-day appeals period (Exhibit B). Mr. Hamilton provided both written and oral comments in opposition to the TUX Development Proposal. He stated in his Appeal that “Without additional conditions of approval related to traffic and noise, this land use decision would negatively impact my property value and quality of life. He listed three categories of appeal including 1) Land Use Application does not meet all applicable criteria, 2) Errors by the applicant, and 3) Errors made by the City of Tualatin. These categories of appeal are discussed in more detail below.

1. Land Use Application does not meet all applicable criteria:

a. Failure to send notice to CIOs as required by TDC 32.1205 (b)(iii)

Appellants Claim:

Email Dated January 29, 2025 (Exhibit C)

“A review of project documents reveals that Mackenzie/Lam did not notify any CIO representatives prior to the June 2024 neighborhood developer meeting, as required by Tualatin Development Code 32.120.5 (b)(iii). The code requires an applicant to send notice to CIO representatives via First Class Mail at least 14 days *before* the neighborhood developer meeting. This requirement was not met at the time, nor can it be met retroactively.”

Staff Finding:

TDC 32.120(5)(b)(iii) requires applicants to mail notice of Neighborhood/Developer Meetings to all designated representatives of recognized Citizen Involvement Organizations (CIOs) established under TMC Chapter 11-9. While Chapter 11-9 defines the purpose, structure, and communication role of CIOs, it does not specify any procedures or standards related to Neighborhood/Developer Meetings.

Applicable Standards

Under TDC 32.120(5)(d), failure of a property owner to receive notice does not invalidate the Neighborhood/Developer Meeting proceedings. By extension, a failure to notify CIO representatives would likewise not invalidate the meeting. TDC 32.140(1)(h) only

requires the applicant to state whether a CIO was contacted before filing the application and summarize any such contact; it does not impose a standard that would invalidate an application due to lack of CIO notification.

Analysis

In his email from January 29, 2025, Appellant alleged that the applicant's failure to notify CIOs invalidates the LAM application and that staff should deny it. However, under TDC 32.160, staff cannot deny a land-use application on this basis. Staff must instead perform a completeness review. An application becomes void only if the applicant fails to provide missing information within 180 days. LAM's submission contained all required materials and was lawfully deemed complete after the applicant requested the application be deemed complete under ORS 227.178 in December 2024.

The record confirms that LAM held the required Neighborhood/Developer Meeting on June 5, 2024, fulfilling the purpose of TDC 32.120(1). Although notice was not mailed to CIO representatives, surrounding property owners—including the Appellant—did receive notice. The applicant's narrative (Exhibit J Applicant's AR Narrative, pp. 5–6) states that a Riverpark CIO board member, Janine Wilson, attended the meeting, provided input, and was later contacted by the project team on June 10 and 12, 2024. According to the Applicant's narrative, no further response was received from Ms. Wilson.

City Notification Practices

The City does not send out notifications for Neighborhood/Developer Meetings. The City does send out notice of applications and public hearings. For subsequent rescheduled public hearings, the City sent mailed and emailed notices on December 16, 2024 (only email notice to CIOs), March 12, 2025 (email and mailed to CIOs), and May 12, 2025 (email and mailed to CIOs), to all property owners and CIO representatives within 1,000 feet of the site. Historically, only emailed notices were sent to CIOs; in this case, the City exceeded normal practice by sending both mailed postcards and emails.

No provision in Oregon Revised Statutes requires notification of CIOs for local neighborhood meetings; such requirements are strictly local under Tualatin's Development Code.

Conclusion

Because the alleged CIO notice deficiency did not:

- 1. Affect the completeness of the LAM application under TDC 32.160;*
- 2. Invalidate the Neighborhood/Developer Meeting under TDC 32.120(5)(d); or*
- 3. 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 public hearing notices provided ample opportunity—over 268 days—for public comment prior to the ARB hearing on September 10, 2025.

Where Addressed in Analysis and Findings:

Page 7 of the Staff Analysis and Findings (Exhibit A)

b. Violations of Manufacturing Park Zoning and Tualatin Noise Ordinance

Appellants Claim:

Appellants' email dated August 12, 2025 (Exhibit C) stated/requested:

- Requested city officials address noise pollution from Lam's campus, which the Appellant stated residents say is affecting their quality of life. He stated that multiple types of noise have been identified, including high-frequency hissing from the gas plant and low rumbles that he claimed are audible across Tualatin Road at night.
- He stated that residents have reported the issue to the City Council, Police Department, and Code Enforcement, but the problem continues.
- He stated that a professional noise study measured levels of 52 dB at night, exceeding the city's 50 dB residential noise limit suggesting that Lam is violating the Tualatin Development Code and Municipal Code.
- The letter states that the noise comes not from construction or trucks but from permanently installed equipment running 24/7.
- Conditions like temperature, wind, and nighttime quiet make the noise especially noticeable, sometimes over a mile away.
- Mr. Hamilton emphasized that the Manufacturing Park zoning requires industrial uses not to conflict with nearby residential areas, and that Lam's ongoing operations currently do.
- The letter concludes by stating that Lam's operations are currently in conflict with nearby residential areas due to excessive noise. The Appellant requested that the City of Tualatin require Lam to eliminate off-site noise impacts as part of its TUX project before allowing any expansion or additional noise sources.
- He stated that restoring peace and quiet is critical to residents' quality of life and asks the city to hold Lam accountable for demonstrating its ability to comply with local noise regulations.

The Appellants email dated August 13, 2025 (Exhibit C)

- This email contained an attachment from A Acoustics that made the single statement "The sound recorded was 52 dBA and there was sound peak at 175 Hz and 350 Hz".

The Appellants email and attachment dated September 5, 2025 (Exhibit C)

- The Appellant notified City Staff that his public comment email titled “Off-Site Noise Video” included a YouTube link, which the City’s internal Mimecast system converted into a restricted link, making it inaccessible to non-Mimecast users. To fix this, he created a one-page PDF preserving the original YouTube link and requested that both the email and PDF be added to the public record and made accessible to all users.

Staff Finding:

Applicable Standards

The purpose statement of the Manufacturing Park Zone (TDC 62.100) provides that permitted uses “must not cause objectionable noise, smoke, odor, dust, noxious gases, vibration, glare, heat, fire hazard, or other wastes emanating from the property” and must not conflict with surrounding residential areas.

TDC 63.051 – Noise further requires that:

“All uses and development must comply with the Oregon State Department of Environmental Quality standards relating to noise and the City of Tualatin noise ordinance, TMC Chapter 6-14.”

Accordingly, both existing and future development within the MP zone must comply with DEQ and City noise regulations.

Analysis

Lam’s narrative for AR24-0002 stated that all applicable DEQ and City noise restrictions will be met. Multiple public comments raised concerns regarding existing operational noise from the Lam campus. These existing noise issues are currently under investigation by the City’s Code Compliance Officer.

To ensure that future development under AR24-0002 also complies with applicable standards, the ARB imposed Condition of Approval A25, which states “The proposed development must comply with the Environmental Regulations of TDC Chapter 63.”

Because the proposed TUX development has not yet been constructed, it is not possible to assess noise levels generated by that development. Compliance with Condition A25 will be verified following construction, should operational noise from the TUX project result in substantiated complaints. As such, the imposition of noise related conditions- beyond Condition of Approval A25- are not needed to ensure compliance with TDC 62.100 or TDC 63.051 and would not advance a legitimate planning purpose or objective.

The City or ARB cannot enforce TDC 63.051 or TMC 6-14 for a project that is not yet operational. Existing operational noise complaints are being reviewed through the City’s standard code enforcement process; any future complaints associated with the TUX project will follow the same process once the project is built and operating.

The Appellants email and video attachment pertaining to the alleged noise issue dated September 5, 2025, was made available and provided in an updated packet to the ARB prior to the hearing on September 10, 2025.

The section of the purpose statement in TDC 62.100 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.

Conclusion

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.

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.

Where Addressed in Analysis and Findings:

Page 25 of the Staff Analysis and Findings (Attachment A). Condition of Approval A25 will be applicable to the construction and operation under the ARBs approval of AR24-0002, which states “The proposed development must comply with the Environmental Regulations of TDC 63.”

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

Appellant’s Claim

Appellants email Dated December 9, 2024 (Exhibit C)

The appellant argued that Lam Research’s proposed Tualatin Road driveway conflicts with the Tualatin Comprehensive Plan 2040 and the Tualatin Development Code (TDC). The appellant’s public comment included the following statements:

- The project is not compatible with the TCP 2040 and violates the TDC “in spirit and letter.”
- Lam already has six access points (three on 108th Avenue and three on Leveton Drive); therefore, a new driveway on Tualatin Road is unnecessary.
- The TCP 2040 encourages use of existing access points and discourages new ones that negatively affect the community (Goal 8.7, Policy 8.10.1).
- Tualatin Road functions as an arterial and Leveton Drive as a collector, and that the City’s reclassification in the 2012–14 TSP update was an attempt to reduce traffic on Tualatin Road.
- Mr. Hamilton cited TDC 75.040(5), which directs that access should be located on the street with the lower functional classification—in this case, 108th Avenue or Leveton Drive, not Tualatin Road.

- The appellant requested that Lam update its Traffic Impact Analysis (TIA) and that no new access be allowed on Tualatin Road.

Appellants' email dated August 18, 2025 (Exhibit C)

- Appellant stated that the proposed new employee entrance on SW 108th Avenue would increase traffic volumes on Tualatin Road and worsen safety concerns.
- He noted that Lam's proposal fails three city driveway criteria from TDC 75.020(5)
 - The proposed driveway approach does not result in result in significant adverse impacts to the vicinity.
 - The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.
 - The proposed driveway approach balances the adverse impact to residentially zoned property and the functionality of adjacent streets.
- Appellant stated that Lam's own traffic study noted that Hazelbrook Road onramp to Hwy 99W would not meet performance standards with the added traffic, and the 108th/Tualatin Road intersection already has five times the crash rate of 115th/Tualatin Road intersection.

Staff Finding:

- *Appellants' August 8, 2025, email claimed the "Expanded North 108th entrance does not meet New Driveway Approach Criteria," referencing TDC 75.020, 75.040, and 75.050.*
- *Staff notes the appellant's statement, email dated December 9, 2024, acknowledges the existence of three existing driveways on 108th Avenue, this would include the northernmost driveway that will connect to the future northern parking lot.*
- *Until Lam's July 21, 2025, redesign removed the proposed SW 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 driveways that access SW 108th Avenue.*
- *The City lacks authority under the TDC to dictate driver routing or prohibit use of existing driveways.*
- *Nothing in the cited TDC sections empowers staff to disallow existing driveway use.*

Conclusion

Lam's proposal is to connect a new parking area to the existing drive aisle and driveway that currently exists on SW 108th. Consequently, 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 SW Tualatin Road. Lam is not proposing any new driveways on SW 108th.

Where Addressed in Analysis and Findings

Pages 55–60 of the Staff Analysis and Findings (Exhibit A)

2. Errors made by the Applicant:

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

Appellants Claim:

The Appellant did not provide a reference or evidence that Lam made this commitment and it is unclear to staff where or when this commitment was made.

Staff 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.

Where Addressed in Analysis and Findings:

Page 9 and 10 of the Staff Analysis and Findings (Exhibit A)

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

Appellants Claim:

The Appellant stated that the Traffic Impact Analysis did not consider additional employee work shifts.

Staff 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.

Where Addressed in Analysis and Findings:

Pages 59-61 of the Staff Analysis and Findings (Exhibit A)

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

Appellants Claim:

The public testimony provided by the Appellant at the public hearing on September 10, 2025, is summarized as follows:

The Appellant requested that the Architectural Review Board add two conditions of approval to Lam Research's project:

1. **Traffic Condition:**

- Require the north 108th Avenue access gate—which is typically closed—to remain closed to employee traffic, ensuring that Leveton Drive is used to its “highest and best use” for site access.
- He stated that limiting access on 108th would help prevent worsening traffic conditions on Tualatin Road.

2. **Noise Condition:**

- Require that off-site noise be eliminated as part of the project.
- He argued that Lam's noise study was conducted under favorable summer conditions (72–76°F, between midnight and 10 p.m.) that tend to reduce noise impacts, whereas the real problems occur during cold, windy winter conditions.
- He suggested the study timing was chosen to show the lowest possible noise levels, and that the modeled post-project levels (around 50 dB) are at the threshold of the city's noise limits.

Appellant also criticized Lam's legal counsel, stating their advice to the Board reflects biased advocacy for their client, not neutral analysis. He pointed out that City hearing postcards list TDC Chapter 62 as part of the applicable approval criteria, contradicting Lam's attorney's claim that it is irrelevant.

Appellant concluded by urging the Board to use its authority to prevent further traffic and noise impacts, stating that the City can control available access points even if it cannot dictate driver routes. He likened the situation to fixing code violations during a remodel, arguing Lam should be required to address existing noise issues as part of its project improvements.

Staff Finding:

Traffic

Architectural Review process is used to review proposed, not yet constructed, development applications. The criteria for General Architectural reviews is provided for in TDC 33.020(5)(c). This section of the code states “General Development. Applications for General Development must comply with the applicable standards and objectives in TDC Chapter 73A through 73G.” TDC 33.020(6) provides for utilizing conditions of approval in order to meet the requirements of Chapters 73A through 73G. This requires that Chapters 62, 63, 74 and 75 are also applied for analyzing AR24-0002 proposed development compliance with TDC Chapters 73A through 73G.

TDC 33.020 Architectural Review

(6) Conditions of Approval.

- (a) Architectural Review decisions may include conditions of approval that apply restrictions and conditions that:

- (i) Implement identified public facilities and services needed to serve the proposed development;*
- (ii) Implement identified public facilities and services needed to be altered or increased attributable to the impacts of the proposed development; and*
- (iii) Implement the requirements of the Tualatin Development Code.*

Traffic is assessed through a Transportation Impact Analysis (TIA). The TIA, Exhibit H, was reviewed by the City Engineer as well as DKS Associates (an outside consultant) and Oregon Department of Transportation. It was determined that the TIA met the requirements of the City and that no mitigation was required. It was noted that signal timing may improve traffic flow but the actual impact by the proposed development did not warrant any additional mitigation measures. ODOT (Exhibit I) stated the following:

1. All ODOT intersections are projected to meet ODOT mobility standards in this and previous TIA revisions
2. Concurred with the applicant's TIA conclusion that the intersection of Hazelbrook Road and OR 99 and other intersection along OR 99W "are built out to their full capacity, and little can be done to mitigate these queues" at the applicant level.
3. The TIA recommended signal retiming, but ODOT policy does not consider signal retiming.
4. ODOT notes the long delays at the SW Hazelbrook Road and OR 99 but does not recommend mitigation because it would encourage additional vehicles to travel this route by improving flow which would then discourage drivers from using SW 124th Avenue or to access OR 99.

Noise

The Applicants' narrative for AR24-0002 stated that all applicable DEQ and City noise restrictions will be met. Multiple public comments raised concerns regarding existing operational noise from the Lam campus. These existing noise issues are currently under investigation by the City's Code Compliance Officer.

To ensure that future development under AR24-0002 also complies with applicable standards, the ARB imposed Condition of Approval A25, which states "The proposed development must comply with the Environmental Regulations of TDC Chapter 63."

Because the proposed TUX development has not yet been constructed, it is not possible to assess noise levels generated by that development. Compliance with Condition A25 will be verified following construction, should operational noise from the TUX project result in substantiated complaints.

The City or ARB cannot enforce TDC 63.051 or TMC 6-14 for a project that is not yet operational. Existing operational noise complaints are being reviewed through the City's standard code enforcement process; any future complaints associated with the TUX project will follow the same process once the project is built and operating.

Conclusion

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. For AR 24-0002, a Transportation Impact Analysis (Exhibit H) 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.

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. 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.

Where Addressed in Analysis and Findings:

Discussion of transportation requirements are located on pages 59-61 of the Staff Analysis and Findings (Exhibit A). Noise is discussed on Page 25 of the Staff Analysis and Findings and Conditions of Approval (Exhibit A)

Discussion of noise regulations can be found on page 25 of the Staff Analysis and Findings. Condition of Approval A25 will be applicable to the construction and operation under the ARBs approval of AR24-0002, which states “The proposed development must comply with the Environmental Regulations of TDC 63” (Exhibit A).

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

Appellants Claim:

The Appellant disagreed with Lam’s representatives’ assertion that Chapter 62 Manufacturing Park Zone is not applicable to the Architectural Review criteria listed in AR 33.020(5).

Staff Finding:

Chapter 62 Manufacturing Park Zone (MP) is the zoning that is applicable to the review AR24-0002. This chapter lists permitted, conditional and limited land uses, limitations on uses and development standards such as setbacks. Chapter 62 was evaluated in the staff’s Analysis and Findings (Attachment AX). 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.

Where Addressed in Analysis and Findings:

Pages 22 - 25 of the Staff Analysis and Findings (Exhibit A)

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

Appellants Claim:

Staff did not provide the last 3 pages of Lam’s noise model to the ARB at their hearing.

Staff 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 three pages of the noise model to be omitted. It should be noted that there is no requirement in the Tualatin Development Code for a formal “noise model” in either TDC 32.140 Application Submittal of 33.020 (4) Architectural Review Submittal Materials.

Staff promptly resolved the printing issue and ensured that all pages were made available to the ARB prior to deliberation and their vote on AR24-0002. This is not a lengthy document, it is a total of 5 pages, mostly graphics and a title page. The sound model was actually in presentation form and easily read in just a few minutes (Exhibit G). This delay did not restrict public comment or limit opportunities for the appellant to raise noise concerns. The Appellant was able to submit both written and verbal testimony regarding noise impacts.

As with all public hearings where public comment is accepted, 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 applicant’s noise analysis exceeded what is required by the Architectural Review process. The approximate two-hour delay between receipt and distribution of the full report does not represent a procedural defect and is not a basis for appeal.

Where Addressed in Analysis and Findings:

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 ARBs decision approving AR24-0002.

b. Unnecessary delays in releasing Public Records

Appellants Claim:

Email from September 8, 2025 (Exhibit C)

The appellants’ letter noted issues with City transparency and accuracy with regard to the TUX land use process. He noted repeated problems, without reference, where the public could not access timely or accurate information from city staff – including misinformation, unnecessary

release delays, and a recent case where staff claimed a requested document didn't exist even though the city had possessed it for 20 days.

Staff Finding:

The Appellant made two requests for public records, one on July 15th and a second request on July 21, 2025. On July 22, 2025, the applicant submitted an adjusted site plan for the plan set clarifying the gated area blocking Lam's access to the SW Tualatin Road driveway, missing pages from TVF&R Service Provider Letter, and an updated site plan matching the one provided in the applicant plan set for the TIA. The applicant team officially submitted revised application and supporting materials on July 21st and July 22, 2025, these materials were provided to the appellant on July 23, 2025. The City's policy for public records request states "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". The Deputy City recorder provided a response on July 15th that new materials had not yet been submitted.

It's unclear what additional delay's and/or errors were being alleged by the appellant in his appeal.

Where Addressed in Analysis and Findings:

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. The Appellant received all updated application materials on July 28, 2025, 13 days after the initial request and seven days after the second request received by City staff.

VII. OPTIONS

Summary of Appellants' Claims

Appellant, a nearby property owner, argues that the ARBs approval should be revisited due to negative impacts on traffic, noise, and neighborhood livability. He claims that the decision did not properly address existing nuisance and safety conditions, lacked proper public notice for the Neighborhood Developer Meeting, did not address traffic concerns, and failed to include environmental noise requirements.

Summary of Staff Response

Staff have provided responses to all the Appellants' claims which staff finds are not based on the Architectural Review Criteria and do not warrant overturning the September 10, 2025 ARB Decision for AR24-0002. An appeal is a formal process that allows an affected party-such as a nearby property owner or applicant to challenge a land use decision made by, in this case, the Architectural Review Board. The purpose of an appeal is to request a review of that decision to determine whether it was made correctly under the applicable land use regulations and procedures. Appeals typically focus on whether the decision complied with local development code standards, comprehensive plan policies, and state land use laws, rather than re-evaluation

of the project itself. In this case, it is clear that the staff report and analysis and findings from AR24-0002 demonstrated compliance with the Tualatin Development Code for applicable issues raised as well as both the major issues raised by the Appellant including noise and traffic. There are no factual grounds to reverse the decision of the ARB approving AR24-0002.

The motion options before the City Council on this Appeal include:

- 1. Deny the Appeal and affirm the Architectural Review Boards September 10, 2025, decision approving the application with Conditions.*
- 2. 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.*
- 3. Continue the hearing to a later date.*

Attachments and Exhibits

- Attachment A – Presentation
- Attachment B – Memorandum Addressing the Appeal of AR24-0002.
- Attachment C – Resolution Affirming AR24-0002 ARBs Decision
- Exhibit A – AR24-0002 Analysis and Findings
- Exhibit B – Appellants' Appeal Form and Letter Detailing Claims
- Exhibit C – Appellants Public Comments
- Exhibit D – Public Notice
- Exhibit E – Lams' Noise Survey and Model 2025
- Exhibit F – Comments provided to the ARB at the September 10, 2025 Public Hearing
- Exhibit G – Lam's technical findings in response to the Appeal filed in AR 24-0002
- Exhibit H – AR24-0002 Transportation Impact Analysis (TIA)
- Exhibit I – ODOT Review Letter (email) for AR24-0002
- Exhibit J – Pages 5-6 of Applicant's Narrative for AR24-0002