



ANALYSIS AND FINDINGS LAM RESEARCH CAMPUS

August 20, 2025

Case #:	IMP 24-0001
Project:	Lam Research Corporation Campus
Location:	11155-11361 SW Leveton Drive; Tax Lots: 2S122AA 500 and 800; 2S122AB 100 2S122BA 100
Representative:	Suzannah Stanley, Mackenzie
Owner:	Lam Research Corporation

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I. INTRODUCTION

A. Applicable Criteria

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

- TDC 32: Procedures
- TDC 33.050: Industrial Master Plan
- TDC 62: Manufacturing Park (MP) Zone

B. Site Description

The Lam Research campus site consists of 75.96-acre campus on four lots located at 11155 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 lots are zoned Manufacturing Park (MP).

The site contains several 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 also an emergency access to SW Tualatin Road that is share by JAE for deliveries and access. This site is in the former Leveton Urban Renewal District. Currently, Lam Building “G”, approved with IMP22-0001/AR22-0006, is under construction 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.

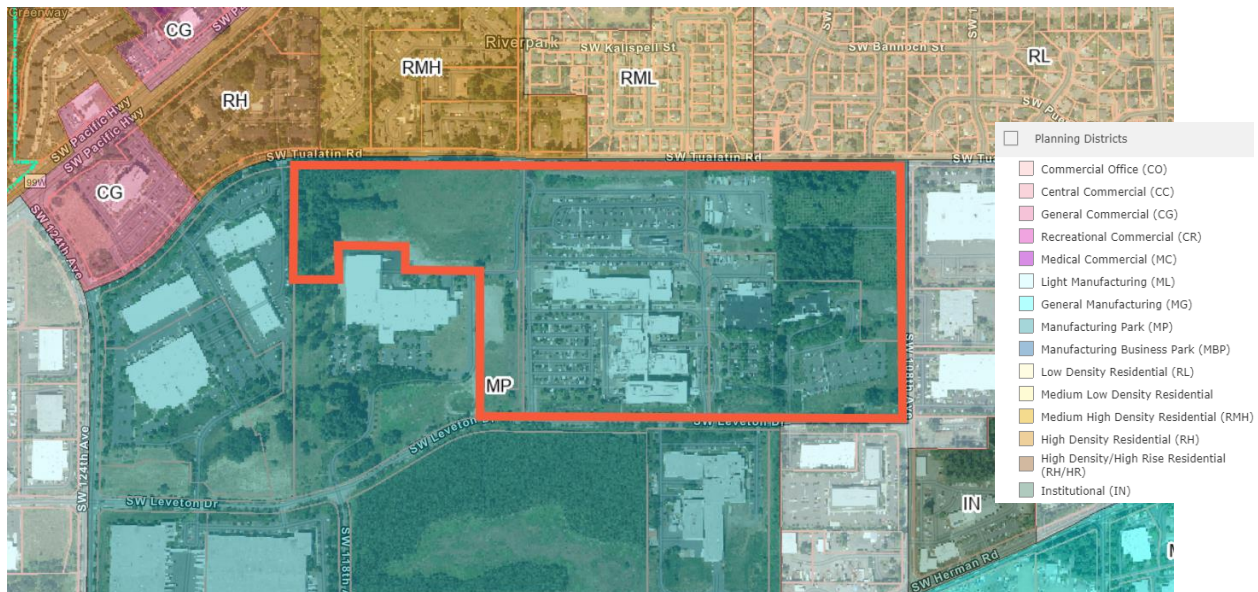


Figure 1: Aerial view of subject site (highlighted)

C. Proposed Project

This application proposes modification of the conditions of approval of the Industrial Master Plan (IMP22-0001), which was previously approved by the Planning Commission. Subject to approval of the subject Industrial Master Plan (IMP 24-0001), the applicant has proposed an Architectural Review (AR

24-0002) requesting approval from the Architectural Review Board of additional buildings and site improvements. The current proposal includes construction of a new office building (120,000 square feet), lab (90,000 square feet), central utilities building (29,000 square feet), and storage building (2,230 square feet) on the southern portion of the campus adjacent to SW Leveton Drive. There will be parking areas located on the northern portion of the site with all employee traffic being directed to three existing driveways on SW 108th Avenue and three existing driveways and one new driveway on SW Leveton Drive. Along SW Tualatin Road, the existing landscape berm is proposed to be extended to the west to provide additional screening for the new parking areas. Landscaping is proposed for the site where construction is proposed, buildings and parking areas. The existing bulk gas yard, located south of the northernmost SW 108th Avenue driveway, is proposed for expansion and will require appropriate screening. A total of 544 new parking spaces will be constructed (127 of which were previously approved for Building “G” through AR 22-0006). In addition, associated landscaped and hardscaped areas as well as four new stormwater detention ponds are proposed. Figure 2 (below) illustrates the proposed development for AR 24-0002.

The following conditions of approval are proposed for modification of IMP22-0001. The applicant withdrew the request to remove Condition of Approval 2 from IMP 22-0001. Additionally, a request to remove proposed Condition of Approval 2 from IM 24-0001 that would have allowed the construction of up to a 15,000 square foot as a Type I Minor Architectural Review (Exhibit A4).

As noted below and as based on the Findings and Analysis within this report, staff recommends approval of IMP 24-0001 and adoption of the following proposed modifications.

- **Lot Addition to IMP Area** - Lot 2S122BA00100 is proposed to be added to the existing Lam IMP plan area.
- **Building Setbacks** – The applicant is proposing to retain modification to the 50 feet building setback standard listed in TDC Table 62-2 to 0 feet for the side and rear setback for lots under Lam ownership as previously provided by IMP 22-0001. All other side and rear yard setbacks not adjacent to streets will be subject to development standards in the MP zone. Building Code requirements would not be modified by this proposal.
- **Parking and Circulation Areas Adjacent to Lam Campus and Private Property Line** – Currently, TDC Table 62-2 lists a range of 5 feet to 25 feet wide setbacks from parking areas, as determined through the Architectural Review process. Under IMP 22-0001, parking and circulation under common ownership provides for a 0 feet setback would be retained. A 10 feet setback will be required for parking and circulation areas adjacent to lots not owned by Lam.
- **Building Height** – Currently, TDC Table 62-2 lists a 70 feet maximum height, or 85 feet if the building is setback from adjacent property lines at least 1.5 times the height for yards adjacent to structures area not less than a distance equal to one and one-half times the height of the structure (127.5 feet). The applicant is requesting the maximum building height be increased to 85 feet, but the building setback would only need to be that of the modified Table 62-2, shown below.
- **Parking Lot Landscaping** – Previously approved Condition of Approval 3.e. from IMP 22-0001 would be deleted under IMP 24-0001. TDC 73C addressing parking lot landscaping standards in effect on July 8, 2024, will be added. In addition, under the proposed Architectural Review (AR 24-0002), the existing landscaping berm that parallels SW Tualatin Road would be extended west to buffer the expanded parking area.

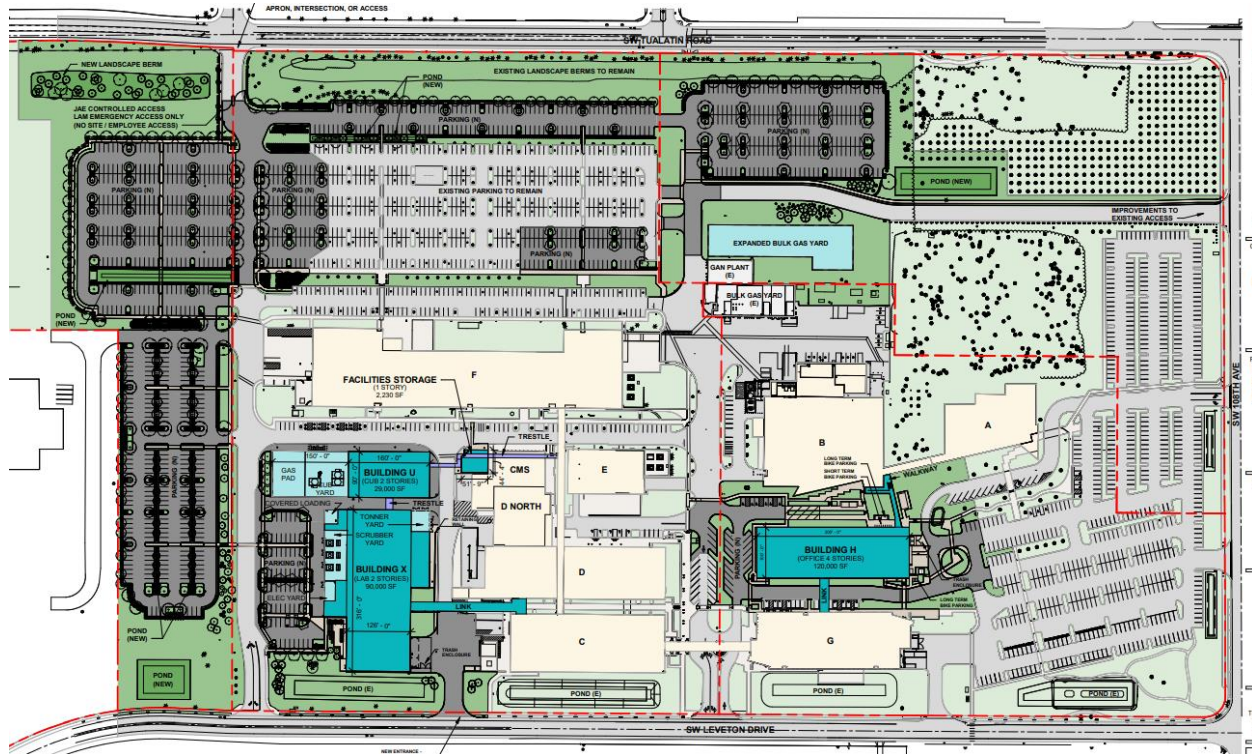


Figure 2. Proposed Development under AR 24-0002.

D. Previous Land Use Actions

- PLA 23-0004 – Property line Adjustment between Tax Map/Lots 2S122BA00200 and 2S122BA00100
- AR 22-0006 – Lam Building G
- IMP 22-0001 – Lam Building G
- AR 20-0001 – Lam Building D Addition
- AR 16-0010 – Lam Campus Parking Master Plan
- PLA 16-006 – Property Line Adjustment
- AR 15-0029 – Building D Expansion
- PAR 00-04 – Partition
- AR 00-03 – Novellus Phase 1
- IMP 00-01 – Novellus
- AR 89-24 – Oki Semiconductor

E. Surrounding Uses

Surrounding areas indicate a transitional area including industrial and residential use. Adjacent land uses include:

North: Residential Medium-Low Density (RML)

- SW Tualatin Road
- Fox Run Subdivision

South: Manufacturing Park (MP)

- SW Leveton Drive
- Fujimi Corporation

West: Manufacturing Park (MP)

- JAE Corporation
- Vacant land (Phight LLC)

East: Light Manufacturing (ML)

- SW 108th Avenue
- Ascentec Engineering LLC
- Lam Research

F. Exhibit List

Exhibit A1 - Narrative

Exhibit A2 – Plan Set and Elevations

Exhibit A3 – Supporting Documents

Exhibit A4 – Letter requesting retention of Condition of Approval 2 and removal of the request to allow construction of 15,000 SF building as a Type I Minor Architectural Review

Exhibit B – Public Noticing Requirements

Exhibit C – Public Comments

Exhibit D – Planning Commission Written Order File No. IMP 22-0001

Exhibit E – Email memorandum from City Engineer dated August 5, 2025

II. PLANNING FINDINGS

These findings reference the Tualatin Development Code (TDC), unless otherwise noted.

Chapter 32: Procedures

Section 32.010 – Purpose and Applicability.

[...]

(2) **Applicability of Review Procedures.** All land use and development permit applications and decisions, will be made by using the procedures contained in this Chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or application. There are five types of permit/application procedures as described in subsections (a) through (e) below. Table 32-1 lists the City’s land use and development applications and corresponding review procedure(s).

[...]

(c) **Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III procedure is used when the standards and criteria require discretion, interpretation, or policy or legal judgment. Quasi-Judicial decisions involve discretion but implement established policy. Type III decisions are made by the Planning Commission or Architectural Review Board and require public notice and a public hearing, with an opportunity for appeal to the City Council.

[...]

(3) **Determination of Review Type.** Unless specified in Table 32-1, the City Manager will determine whether a permit or application is processed as Type I, II, III, IV-A or IV-B based on the descriptions above. Questions regarding the appropriate procedure will be resolved in favor of the review type providing the widest notice and opportunity to participate. An applicant may choose to elevate a Type I or II application to a higher numbered review type, provided the applicant pays the appropriate fee for the selected review type.

Table 32-1 – Applications Types and Review Procedures

Application / Action	Type	Decision Body*	Appeal Body*	Pre-Application Conference Required	Neighborhood /Developer Mtg Required	Applicable Code Chapter
Industrial Master Plans	III	PC	CC	Yes	Yes	33.050
[...]						
* City Council (CC); Planning Commission (PC)						

Finding:

The proposal is to modify conditions of approval of IMP 22-0001, adopted by the Planning Commission on November 17, 2022. According to Table 32-1, Industrial Master Plans require a Type III review procedure with the Planning Commission serving as the Decision Body. The application has been processed according to the applicable code for Type III procedures. This standard is met.

Section 32.030 – Time to Process Applications.

(1) **Time Limit - 120-day Rule.** The City must take final action on all Type II, Type III, and Type IV-A land use applications, as provided by ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete under TDC 32.160, unless the applicant provides

written request or consent to an extension in compliance with ORS 227.178. (Note: The 120-day rule does not apply to Type IV-B (Legislative Land Use) decisions.)
[...]

Finding:

The applicant submitted additional items, and requested the application be deemed complete. The application was deemed complete on December 16, 2024. The applicant has cumulatively requested a 245-day waiver to the 120-day rule, the maximum allowed under ORS 227.178, making December 16, 2025, the final day by which the City must make a final decision on the application, including all local appeals. No additional extensions are allowed. The Planning Commission hearing for IMP 24-0001 is scheduled for August 20, 2025. This standard is met.

Section 32.110 – Pre-Application Conference.

(1) Purpose of Pre-Application Conferences. Pre-application conferences are intended to familiarize applicants with the requirements of the TDC; to provide applicants with an opportunity discuss proposed projects in detail with City staff; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to assist applicants in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing any applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.

(2) When Mandatory. Pre-application conferences are mandatory for all land use actions identified as requiring a pre-application conference in Table 32-1. An applicant may voluntarily request a pre-application conference for any land use action even if it is not required.

(3) Timing of Pre-Application Conference. A pre-application conference must be held with City staff before an applicant submits an application and before an applicant conducts a Neighborhood/Developer meeting.

(4) Application Requirements for Pre-Application Conference.

(a) Application Form. Pre-application conference requests must be made on forms provided by the City Manager.

(b) Submittal Requirements. Pre-application conference requests must include:

- (i)** A completed application form;
- (ii)** Payment of the application fee;
- (iii)** The information required, if any, for the specific pre-application conference sought; and
- (iv)** Any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow City staff to review and comment.

(5) Scheduling of Pre-Application Conference. Upon receipt of a complete application, the City Manager will schedule the pre-application conference. The City Manager will coordinate the involvement of city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

(6) Validity Period for Mandatory Pre-Application Conferences; Follow-Up Conferences. A follow-up conference is required for those mandatory pre-application conferences that have previously been held when:

- (a)** An application relating to the proposed development that was the subject of the pre-application conference has not been submitted within six (6) months of the pre-application conference;
- (b)** The proposed use, layout, and/or design of the proposal have significantly changed; or

(c) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Finding:

The subject land use action is identified as requiring a pre-application conference in Table 32-1. The applicant participated in a pre-application meeting on June 5, 2024, approximately one month prior to submitting this Industrial Master Plan and Architectural Review applications. These standards are met.

Section 32.120 – Neighborhood/Developer Meetings.

(1) Purpose. The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet to review a development proposal and identify issues regarding the proposal so they can be considered prior to the application submittal. The meeting is intended to allow the developer and neighbors to share information and concerns regarding the project. The applicant may consider whether to incorporate solutions to these issues prior to application submittal.

(2) When Mandatory. Neighborhood/developer meetings are mandatory for all land use actions identified in Table 32-1 as requiring a neighborhood/developer meeting. An applicant may voluntarily conduct a neighborhood/developer meeting even if it is not required and may conduct more than one neighborhood/developer meeting at their election.

(3) Timing. A neighborhood/developer meeting must be held after a pre-application meeting with City staff, but before submittal of an application.

(4) Time and Location. Required neighborhood/developer meetings must be held within the city limits of the City of Tualatin at the following times:

(a) If scheduled on a weekday, the meeting must begin no earlier than 6:00 p.m.

(b) If scheduled on a weekend, the meeting must begin between 10:00 a.m. and 6:00 p.m.

(5) Notice Requirements.

(a) The applicant must provide notice of the meeting at least 14 calendar days and no more than 28 calendar days before the meeting. The notice must be by first class mail providing the date, time, and location of the meeting, as well as a brief description of the proposal and its location. The applicant must keep a copy of the notice to be submitted with their land use application.

(b) The applicant must mail notice of a neighborhood/developer meeting to the following persons:

(i) All property owners within 1,000 feet measured from the boundaries of the subject property;

(ii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases; and

(iii) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9.

(c) The City will provide the applicant with labels for mailing for a fee.

(d) Failure of a property owner to receive notice does not invalidate the neighborhood/developer meeting proceedings.

(6) Neighborhood/Developer Sign Posting Requirements. The applicant must provide and post on the subject property, at least 14 calendar days before the meeting. The sign must conform to the design

and placement standards established by the City for signs notifying the public of land use actions in TDC 32.150.

(7) Neighborhood/Developer Meeting Requirements. The applicant must have a sign-in sheet for all attendees to provide their name, address, telephone number, and email address and keep a copy of the sign-in sheet to provide with their land use application. The applicant must prepare meeting notes identifying the persons attending, those commenting and the substance of the comments expressed, and the major points that were discussed. The applicant must keep a copy of the meeting notes for submittal with their land use application.

Finding:

The applicant has provided evidence within Exhibit A3 that a Neighborhood/Developer meeting was held on June 5, 2024, after the applicant conducted a Preapplication Conference. The applicant has provided documentation of mailed notification and sign posting in compliance with this section. A sign-in sheet and notes from the meeting are also included in Exhibit A3. These standards are met.

Section 32.130 – Initiation of Applications.

(1) Type I, Type II, Type III, and Type IV-A Applications. Type I, Type II, Type III, and Type IV-A applications may be submitted by one or more of the following persons:

- (a) The owner of the subject property;
- (b) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
- (c) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
- (d) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by paragraphs (a), (b) or (c) of this subsection, and accompanied by proof of the agent's authority.

[...]

Finding:

The application has been signed by a representative of Lam Research Corporation, the owner of the subject site (Exhibit A3). This standard is met.

Section 32.140 – Application Submittal.

(1) Submittal Requirements. Land use applications must be submitted on forms provided by the City. A land use application may not be accepted in partial submittals. All information supplied on the application form and accompanying the application must be complete and correct as to the applicable facts. Unless otherwise specified, all of the following must be submitted to initiate completeness review under TDC 32.160:

(a) A completed application form. The application form must contain, at a minimum, the following information:

- (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
- (ii) The address or location of the subject property and its assessor's map and tax lot number;
- (iii) The size of the subject property;
- (iv) The comprehensive plan designation and zoning of the subject property;
- (v) The type of application(s);
- (vi) A brief description of the proposal; and

- (vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
 - (b) A written statement addressing each applicable approval criterion and standard;
 - (c) Any additional information required under the TDC for the specific land use action sought;
 - (d) Payment of the applicable application fee(s) pursuant to the most recently adopted fee schedule;
 - (e) Recorded deed/land sales contract with legal description.
 - (f) A preliminary title report or other proof of ownership.
 - (g) For those applications requiring a neighborhood/developer meeting:
 - (i) The mailing list for the notice;
 - (ii) A copy of the notice;
 - (iii) An affidavit of the mailing and posting;
 - (iv) The original sign-in sheet of participants; and
 - (v) The meeting notes described in TDC 32.120(7).
 - (h) A statement as to whether any City-recognized Citizen Involvement Organizations (CIOs) whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary must include the date when contact was made, the form of the contact and who it was with (e.g. phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;
 - (i) Any additional information, as determined by the City Manager, that may be required by another provision, or for any other permit elsewhere, in the TDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;
- (2) **Application Intake.** Each application, when received, must be date-stamped with the date the application was received by the City, and designated with a receipt number and a notation of the staff person who received the application.
- (3) **Administrative Standards for Applications.** The City Manager is authorized to establish administrative standards for application forms and submittals, including but not limited to plan details, information detail and specificity, number of copies, scale, and the form of submittal.

Finding:

The applicant submitted the subject application on July 8, 2024, which was deemed incomplete on July 24, 2024. The applicant submitted additional items, and requested the application be deemed complete. The application was deemed complete on December 16, 2024. The general land use submittal requirements were included in this application. These standards are met.

Section 32.150 - Sign Posting.

- (1) **When Signs Posted.** Signs in conformance with these standards must be posted as follows:
- (a) Signs providing notice of an upcoming neighborhood/developer meeting must be posted prior to a required neighborhood/developer meeting in accordance with Section 32.120(6); and
 - (b) Signs providing notice of a pending land use application must be posted after land use application has been submitted for Type II, III and IV-A applications.
- (2) **Sign Design Requirements.** The applicant must provide and post a sign(s) that conforms to the following standards:
- (a) Waterproof sign materials;
 - (b) Sign face must be no less than eighteen (18) inches by twenty-four (24) inches (18" x 24"); and

(c) Sign text must be at least two (2) inch font.

(3) **On-site Placement.** The applicant must place one sign on their property along each public street frontage of the subject property. (Example: If a property adjoins four public streets, the applicant must place a sign at each of those public street frontages for a total of four signs). The applicant cannot place the sign within public right of way.

(4) **Removal.** If a sign providing notice of a pending land use application disappears prior to the final decision date of the subject land use application, the applicant must replace the sign within forty-eight (48) hours of discovery of the disappearance or of receipt of notice from the City of its disappearance, whichever occurs first. The applicant must remove the sign no later than fourteen (14) days after:

(a) The meeting date, in the case of signs providing notice of an upcoming neighborhood/developer meeting; or

(b) The City makes a final decision on the subject land use application, in the case of signs providing notice of a pending land use application.

Finding:

The applicant provided certification within Exhibit A3 that signs were placed on site along SW Tualatin Road, SW 108th Avenue and SW Leveton Drive, in accordance with the requirements of this section. This standard is met.

Section 32.160 – Completeness Review.

(1) **Duration.** Except as otherwise provided under ORS 227.178, the City Manager must review an application for completeness within 30 days of its receipt.

(2) **Considerations.** Determination of completeness will be based upon receipt of the information required under TDC 32.140 and will not be based on opinions as to quality or accuracy. Applications that do not respond to relevant code requirements or standards can be deemed incomplete. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

(3) **Complete Applications.** If an application is determined to be complete, review of the application will commence.

(4) **Incomplete Applications.** If an application is determined to be incomplete, the City Manager must provide written notice to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete must be deemed complete for purposes of this section upon receipt of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(5) **Vesting.** If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application must be based upon the standards and criteria that were in effect at the time the application was first submitted.

(6) **Void Applications.** An application is void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (4) of this section.

[...]

Finding:

The subject application was submitted on July 8, 2024. The application was deemed incomplete on July 24, 2024. The applicant submitted additional items, and requested the application be deemed complete. The application was deemed complete on December 16, 2024. These standards are met.

Section 32.230 – Type III Procedure (Quasi-Judicial Review – Public Hearing).

Type III decisions involve the use of discretion and judgment and are made by the Planning Commission or Architectural Review Board after a public hearing with an opportunity for appeal to the City Council. The decision body for each application type is specified in Table 32-1. A hearing under these procedures provides a forum to apply standards to a specific set of facts to determine whether the facts conform to the applicable criteria and the resulting determination will directly affect only a small number of identifiable persons.

(1) Submittal Requirements. Type III applications must include the submittal information required by TDC 32.140(1).

(2) Determination of Completeness. After receiving an application for filing, the City Manager will review the application will for completeness in accordance with TDC 32.160.

(3) Written Notice of Public Hearing – Type III. Once the application has been deemed complete, the City must mail by regular first class mail Notice of a Public Hearing to the following individuals and agencies no fewer than 20 days before the hearing.

(a) Recipients:

(i) The applicant and, the owners of the subject property;**(ii)** All property owners within 1,000 feet measured from the boundaries of the subject property;

(iii) All property owners within a platted residential subdivision that is located within 1,000 feet of the boundaries of the subject property. The notice area includes the entire subdivision and not just those lots within 1,000 feet. If the residential subdivision is one of two or more individually platted phases sharing a single subdivision name, the notice area need not include the additional phases;

(iv) All recognized neighborhood associations within 1,000 feet from the boundaries of the subject property;

(v) All designated representatives of recognized Citizen Involvement Organizations as established in TMC Chapter 11-9;

(vi) Any person who submits a written request to receive a notice;

(vii) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies, including but not limited to: school districts; fire district; where the project either adjoins or directly affects a state highway, the Oregon Department of Transportation; and where the project site would access a County road or otherwise be subject to review by the County, then the County; and Clean Water Services; Tri Met; and, ODOT Rail Division and the railroad company if a railroad-highway grade crossing provides or will provide the only access to the subject property. The failure of another agency to respond with written comments on a pending application does not invalidate an action or permit approval made by the City under this Code;

(viii) Utility companies (as applicable); and,

(ix) Members of the decision body identified in Table 32-1.

(b) The Notice of a Public Hearing, at a minimum, must contain all of the following information:

(i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;

- (ii) The street address if assigned, if no street address has been assigned then Township, Range, Section, Tax Lot or Tax Lot ID;
 - (iii) The type of application and a concise description of the nature of the land use action;
 - (iv) A list of the approval criteria by TDC section for the decision and other ordinances or regulations that apply to the application at issue;
 - (v) Brief summary of the local decision making process for the land use decision being made and a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
 - (vi) The date, time and location of the hearing;
 - (vii) Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
 - (viii) The name of a City representative to contact and the telephone number where additional information may be obtained; and
 - (ix) Statement that the application and all documents and evidence submitted to the City are in the public record and available for review, and that copies can be obtained at a reasonable cost from the City; and
 - (x) Statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
- (c) Failure of a person or agency to receive a notice, does not invalidate any proceeding in connection with the application, provided the City can demonstrate by affidavit that required notice was given.

Finding:

After submittal and completeness review as required by this section, notice for the Type III public hearing concerning IMP 24-0001 was initially mailed by city staff on December 16, 2024, with the Planning Commission hearing scheduled for March 19, 2025. Subsequently, the applicant requested additional time to revise their application, and a second hearing notice was sent on March 12, 2025, which rescheduled the Planning Commission hearing until May 21, 2025. The applicant made a third and final request to postpone the hearing, and a third public notice was sent on May 16, 2025, which rescheduled the Planning Commission hearing until August 20, 2025 (Exhibit B). Each of the three mailed notices contained the information required by this section.

(4) Conduct of the Hearing - Type III.

The person chairing the hearing must follow the order of proceedings set forth below. These procedures are intended to provide all interested persons a reasonable opportunity to participate in the hearing process and to provide for a full and impartial hearing on the application before the body. Questions concerning the propriety or the conduct of a hearing will be addressed to the chair with a request for a ruling. Rulings from the chair must, to the extent possible, carry out the stated intention of these procedures. A ruling given by the chair on such question may be modified or reversed by a majority of those members of the decision body present and eligible to vote on the application before the body. The procedures to be followed by the chair in the conduct of the hearing are as follows:

- (a) At the commencement of the hearing, the person chairing the hearing must state to those in attendance all of the following information and instructions:
 - (i) The applicable substantive criteria;

(ii) That testimony, arguments and evidence must be directed toward the criteria described in paragraph (i) of this subsection or other criteria in the plan or land use regulation which the person believes to apply to the decision;

(iii) That failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue;

(iv) At the conclusion of the initial evidentiary hearing, the decision body must deliberate and make a decision based on the facts and arguments in the public record; and

(v) Any participant may ask the decision body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the decision body grants the request, it will schedule a date to continue the hearing as provided in TDC 32.230(4)(e), or leave the record open for additional written evidence or testimony as provided TDC 32.230(4)(f).

(b) The public is entitled to an impartial decision body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the decision body must follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the decision body must not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the decision body must individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they must be excused from the proceedings.

(c) Presenting and receiving evidence.

(i) The decision body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

(ii) No oral testimony will be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and

(iii) Members of the decision body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

(d) The decision body, in making its decision, must consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

(e) If the decision body decides to continue the hearing, the hearing must be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity must be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the decision body may limit additional testimony to arguments and not accept additional evidence.

(f) If the decision body leaves the record open for additional written testimony, the record must be left open for at least seven days after the hearing. Any participant may ask the decision body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the decision body must reopen the record, as follows:

- (i) When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;**
- (ii) An extension of the hearing or record granted pursuant to this section is subject to the limitations of TDC 32.030, unless the applicant waives his or her right to a final decision being made within the required timeframe; and**
- (iii) If requested by the applicant, the decision body must grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.**

Finding:

The Planning Commission will follow the hearing requirements set forth by this section. These standards will be met.

(5) Notice of Adoption of a Type III Decision. Notice of Adoption must be provided to the property owner, applicant, and any person who provided testimony at the hearing or in writing. The Type III Notice of Adoption must contain all of the following information:

- (a) A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;**
- (b) The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area;**
- (c) A statement that a copy of the decision and complete case file, including findings, conclusions, and conditions of approval, if any, is available for review and how copies can be obtained;**
- (d) The date the decision becomes final, unless a request for appeal is submitted; and**
- (e) The notice must include an explanation of rights to appeal the decision to the City Council in accordance with TDC 32.310.**

(6) Appeal of a Type III Decision. Appeal of an Architectural Review Board or Planning Commission Type III Decision to the City Council may be made in accordance with TDC 32.310.

(7) Effective Date of a Type III Decision.

- (a) The written order is the final decision on the application.**
- (b) The mailing date is the date of the order certifying its approval by the decision body.**
- (c) A decision of the Architectural Review Board or Planning Commission is final unless:**
 - (i) a written appeal is received at the City offices within 14 calendar days of the date notice of the final decision is mailed; or**
 - (ii) The City Manager or a member of the City Council requests a review of the decision within 14 calendar days of the date notice of the final decision is mailed.**

Finding:

A final decision and any appeal will follow the requirements of this section. These standards will be met.

Chapter 33: Applications and Approval Criteria

[...]

Section 33.050 Industrial Master Plans

[...]

(2) Applicability.

[...]

(b) An Industrial Master Plan is optional for any development in the Manufacturing Park (MP) Zone or Manufacturing Business Park (MBP) Zone. An Industrial Master Plan is required to do any of the following:

(i) Modify the requirements for internal circulation, building location and orientation, street frontage, parking, setbacks, building height, or lot size as provided in TDC Chapter 62 for the Manufacturing Park (MP) Zone and TDC Chapter 64 for the Manufacturing Business Park (MBP) Zone; and

(ii) Provide for individual parcels of less than 40 acres in the Manufacturing Park Zone.

However, the parcels must not be less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive, unless otherwise provided under TDC 62.050(1).

(c) An Industrial Master Plan must be submitted for the entire Industrial Master Plan Area and include all owners of property within the area.

Finding:

An existing Industrial Master Plan (IMP 22-0001) applies to the subject site. The applicant has proposed the subject Industrial Master Plan to:

(1) Add a fourth lot (2S122BA00100), to the Industrial Master Plan area, and

(2) Make the following modifications to IMP 22-0001:

- **Building Setbacks** – *The applicant is proposing modification to the current 50 feet building setback standard listed in TDC Table 62-2 to 0 feet for the side and rear setback for lots under Lam ownership as previously provided by IMP 22-0001. All other side and rear yard setbacks not adjacent to streets will be subject to development standards in the MP zone. Building Code requirements would not be modified by this proposal.*
- **Parking and Circulation Areas Adjacent to Lam Campus and Private Property Line Setback** – *Currently, TDC Table 62-2 lists a range of 5 feet to 25 feet wide setbacks from parking areas, as determined through the Architectural Review process. Under IMP 22-0001, parking and circulation under common ownership provides for a 0 feet setback would be retained. A 10 feet setback will be required for parking and circulation areas adjacent to lots not owned by Lam.*
- **Building Height** – *Currently, TDC Table 62-2 lists a 70 feet maximum height, or 85 feet if the building is setback from adjacent property lines at least 1.5 times the height for yards adjacent to structures area not less than a distance equal to one and one-half times the height of the structure (127.5 feet). The applicant is requesting the maximum building height be increased to 85 feet, but the building setback would only need to be that of the modified Table 62-2, shown below.*
- **Parking Lot Landscaping** – *Previously approved Condition of Approval 3.e. from IMP 22-0001 would be deleted under IMP 24-0001. TDC 73C addressing parking lot landscaping standards in effect on July 8, 2024, will be added. In addition, under the proposed Architectural Review (AR*

24-0002), the existing landscaping berm that parallels SW Tualatin Road would be extended west to buffer the expanded parking area.

Therefore, staff recommends approval of the inclusion of the additional lot, modifications to development standards including building setbacks, parking and circulation setbacks, building height, and parking lot standards.

(3) Procedure Type. Industrial Master Plans must be processed in accordance with the Type III review procedures as specified in Chapter 32.

(4) Specific Submittal Requirements. In addition to the general submittal requirements in TDC 32.140 (Application Submittal), the applicant must submit the following additional information and materials:

(a) The printed names and signatures of all property owners within the area of the proposed Industrial Master Plan.

(b) A written statement describing all alternate development standards that may include the following:

(i) Setbacks from each lot line to buildings, parking areas and circulation areas. Required setbacks may be exact, or minimum and maximum ranges may be specified. Required setbacks may be greater than or less than those required under TDC 62.060 or TDC 64.060;

(ii) Locations of shared parking and circulation areas and access improvement, including truck maneuvering and loading areas and common public or private infrastructure improvements;

(iii) Building heights and placement and massing of buildings with respect to parcel boundaries; and

(iv) Location and orientation of building elements such as pedestrian ways or accesses, main entrances and off-street parking or truck loading facilities, including the number of off-street parking spaces and loading docks required.

(v) Lot dimensions and area;

(A) For properties in the Manufacturing Park (MP) Zone, an individual parcel must not be less than 15 acres north of SW Leveton Drive and five acres south of SW Leveton Drive, unless otherwise provided under TDC 62.050(1).

(B) For properties in the Regionally Significant Industrial Area (RSIA) of the MBP Zone, lots or parcels may be divided into smaller lots or parcels of 20,000 sq. ft or larger when the Industrial Master Plan identifies at least one lot or parcel of 100 acres in size or larger and one lot or parcel 50 acres in size or larger in the RSIA; and

(vi) Location of required building and parking facility landscaped areas.

(c) Except as specifically provided in TDC 33.050(1) above, all other provisions of this Code apply within an Industrial Master Plan Area.

Finding:

This review process followed a Type III review procedure as described in TDC 32.230 and the required submittal items were provided for staff to review. These standards are met.

(5) Approval Criteria.

(a) Public facilities and services, including transportation, existing or planned, for the area affected by the use are capable of supporting the proposed development or will be made capable by the time development is completed.

Finding:

The subject site is an existing developed site that is served by public facilities and services. A corresponding Architectural Review application (AR 24-0002) has been submitted for the proposed improvements described previously in this application.

Transportation

Street classification and right-of-way are in accordance with TDC 74.210 and 74.425. The corresponding development application, AR 24-0002, will review the need for additional right-of-way dedication and transportation improvements. However, the existing and planned transportation infrastructure for the area are capable of supporting the proposed development or will be made capable by the time development is completed.

The Lam Campus is currently served by six driveways, three from SW Leveton Drive and three from SW 108th Avenue. One additional driveway is proposed for SW Leveton Drive that will be for truck traffic only. There is an emergency vehicle access to SW Tualatin Road that will remain used for only emergency vehicles for Lam, which JAE will continue to use this access for truck access.

Water

The Lam campus is served by several lateral connections to the public 18" high pressure water main north of SW Leveton Drive. Per AR 24-0002, Lam has proposed rerouting of the existing public water main serving the JAE Oregon site resulting in conversion of the entire line outside of public right-of-way to a private water main owned and maintained by JAE. One adequately sized private meter at SW Tualatin Road right-of-way and a private domestic line will connect to existing lines on the JAE lot past existing meters. The existing meters will be decommissioned.

If needed to obtain additional fire flow volumes in the future, JAE may obtain permits to loop this line over their lot with installation of a fire vault prior to connection to the public main in SW Leveton Drive.

Lam's proposed water services will be directly connected to public mains within adjacent public rights-of-way.

Sewer

The Lam campus is served by a 15" sanitary sewer main located in SW Leveton Drive, south of the subject property as shown in As-Built 01-19-02. New and modified buildings and structures will include separate laterals connected to public mains within SW Leveton Drive.

Stormwater

The corresponding development application, AR 24-0002, includes a preliminary Stormwater report which indicates that there is sufficient capacity or that sufficient capacity can be provided for the new development proposal in accordance with TDC 74.630 and 74.650.

Final plans and stormwater calculations will need to demonstrate that the development has direct access by gravity to the public stormwater system with adequate infiltration and/or downstream capacity in accordance with City of Tualatin and Clean Water Service standards.

(b) The location, design, size, color and materials of the exterior of all structures for the proposed development and use is compatible with the character of other developments within the same general vicinity.

Finding:

The development proposal concentrates construction location in the southern and western portion of the site (Exhibit A2). Industrial development abuts the Lam site to the east, west and south. There is a large concentration of residential use that will be buffered by the existing trees and berm area to the north. A landscaping berm will also be added to the northwestern portion of the site and south of SW Tualatin Road to buffer a proposed parking lot. The proposed building designs are compatible with the other Lam buildings and those abutting the site to the east, west and south. The lab and office buildings proposed designs include insulated metal panels that are smooth and ribbed in texture and colored gray and silver. There will also be a limited number of windows due to the function of the lab facility. Architectural features of the storage building include gray, light gray, and dark gray painted concrete panels. The office building is similarly designed and colored to match Building G, which is the building that is currently being constructed under the approval of IMP 22-0001 and AR 22-0006. The storage building will be unoccupied and designed with no windows with corrugated metal siding and roof panels.

The subject property is a developed site, with the most recently approved Industrial Master Plan (IMP 22-0001) and those modified standards will continue to apply. The previous IMP included Condition of Approval 3.b. that provided modified building setbacks to lot 2S122BA00100, formerly owned by JAE, and now owned by Lam. The applicant is requesting modification of Condition of Approval 3.b. to remove the reference to the former owner of the lot and allow 0 feet setback from side and rear yards for lots under common ownership of Lam. The setbacks to JAE would remain the same as the TDC requires. The setbacks standards listed in the TDC Table 62-2 must be met for all lots abutting property owned by those other than Lam.

The applicant has also requested that the required increased setbacks for buildings over 70 feet be removed and the maximum height allowed of 70 feet per Table 62-2 be increased to 85 feet without an increased setback for the buildings as proposed under AR24-0002.

The existing berm along SW Tualatin Road will be extended to the west along the frontage of lot 2S122BA00100 to provide additional screening of the proposed parking lot located on the northwestern portion of the development site.

(c) The internal circulation, building location and orientation, street frontage, parking, setbacks, building height, lot size, and access are in accordance with TDC Chapter 62 for the Manufacturing Park (MP) Zone and TDC Chapter 64 for the Manufacturing Business Park (MBP) Zone unless otherwise approved through the Industrial Master Plan process.

Finding:

The subject property is a developed site, with a previously approved Industrial Master Plan (IMP 22-0001).

The applicant is requesting to modify the following Conditions of Approval from IMP 22-0001:

- Minimum building setback standard of 50 feet listed in TDC Table 62-2 to 0 feet for the side and rear setback for lots under Lam ownership as previously provided by IMP 22-0001. All other side and rear yard setbacks not adjacent to streets will be subject to development standards in the MP zone. Building Code requirements would not be modified by this proposal. Parking and circulation areas adjacent to private property lines would maintain a 0 feet setback from*

property under common ownership and 10 feet from abutting lots not under common ownership. The previous 9.5 feet setback from lot 2S122BA00100 would be removed due to this lot now being under common ownership by Lam.

- *Maximum building height would be increased to 85 feet and remove the increased setback for building over 70 feet. The maximum height of buildings adjacent to the residential district north of SW Tualatin Road would continue to be subject to Table 62-2 or a maximum height of 28 feet. Height would be measured at the required 50-foot or 100-foot setback line, including flagpoles. The building height may extend above 28 feet on a plane beginning at the 50-foot or 100-foot setback line at a slope of 45 degrees extending away from the setback line.*
- *To address parking lot landscaping, Condition of Approval 3e from IMP 22-0001 will be replaced with a condition stating, “the version of TDC 73C Parking Standards effective on July 8, 2024 will apply”.*
- *Parking lot landscaping required by TDC 73C at the time the IMP 24-0001 and AR 24-0002 were submitted on July 8, 2024 would be applicable.*
- *Previously approved Condition of Approval 3.e. from IMP 22-0001 would be deleted under IMP 24-0001. TDC 73C addressing parking lot landscaping standards in effect on July 8, 2024, will be added. In addition, under the proposed Architectural Review (AR 24-0002), the existing landscaping berm that parallels SW Tualatin Road would be extended west to buffer the expanded parking area.*

Table 62-2 below summarizes the modified development standards requested under this Industrial Master Plan against the standards of the base MP zone.

CHAPTER 62 - MANUFACTURING PARK ZONE (MP)

TDC 62.300. - Development Standards.

Development standards in the MP zone are listed in Table 62-2. [...]

Table 62-2

Development Standards in the MP Zone

STANDARD	MP REQUIREMENT	MODIFIED DEVELOPMENT STANDARD UNDER IMP
LOT SIZE		
Minimum Lot Size	40 acres	15 acres
MINIMUM SETBACKS		
Minimum Building Setback for Yards Adjacent to SW Leveton Drive	100 feet	68 feet

STANDARD	MP REQUIREMENT	MODIFIED DEVELOPMENT STANDARD UNDER IMP
Minimum Building Setback for Yards Adjacent to SW 108th Drive	100 feet	98 feet
Minimum Building Setback for Yards Adjacent to SW Tualatin Road	100 feet	Subject to Table 62-2 Development Standards in the MP Zone
Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys	50 feet	0 feet from side and rear yards under common ownership From other lots: Subject to Table 62-2 Development Standards in the MP Zone 50 Feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.); Subject to Table 62-2 Development Standards in the MP Zone
Parking and Circulation Areas Adjacent to SW Leveton Drive	50 feet	50 feet
Parking and Circulation Areas Adjacent to SW 108 th Avenue	50 feet	43 feet
Parking and Circulation Areas Adjacent to SW Tualatin Road	50 feet	35 feet
Parking and Circulation Areas Adjacent to Private Property Line	5-25 feet	0 feet from property lines under common ownership 10 feet from other lots 9.5 feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.)
Fences	50 feet from public right-of-way	Subject to Table 62-2 Development Standards in the MP Zone
STRUCTURE HEIGHT		
Maximum Height	70 feet	85 feet 70 feet

STANDARD	MP REQUIREMENT	MODIFIED DEVELOPMENT STANDARD UNDER IMP
	May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure. Flagpoles may extend to 100 feet.	May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential District	Subject to Table 62-2 Development Standards in the MP Zone	Subject to Table 62-2 Development Standards in the MP Zone

Condition of Approval 3 memorializes the proposed modified development standards.

III. RECOMMENDATION

Based on the application materials and analysis and findings presented above, staff finds that the applicable criteria have been met relative to IMP 24-0001, and therefore recommend approval of this application with the following conditions of approval (removed conditions or language is identified by ~~strike through~~ and added conditions or language is identified by **bold underline**):

GENERAL:

1. If future modifications to this Industrial Master Plan are necessary, a new Industrial Master Plan application must be submitted to the City for review.

PUBLIC FACILITIES:

2. Through the Architectural Review process:
 - a. Private Easement declarations must be recorded and/or maintained for cross-access, parking, and utilities (including but not limited to: water, sanitary sewer, storm drainage) that extend across parcels shared under common ownership within the campus, when deemed necessary- **in accordance with TDC 74.330, and TDC 75.040 (2 & 3).**
 - b. Utilities must serve individual parcels within the campus, in accordance with the Public Works Construction Code and TDC 74.610, 74.620, and 74.630.

LOCATION, DESIGN, COLOR AND MATERIALS

3. Development proposed through the Architectural Review process must:
 - a. Include building material elements consisting of, or complimentary to: masonry, sandstone, architectural metal siding, and window glazing. Color palettes must remain complimentary to earth toned shades.
 - b. Meet the modified development standards listed in the table below:

STANDARD	MODIFIED DEVELOPMENT STANDARDS UNDER IMP 24-0001
LOT SIZE	
Minimum Lot Size	15 acres
MINIMUM SETBACKS	
Minimum Building Setback for Yards Adjacent to SW Leveton Drive	68 feet
Minimum Building Setback for Yards Adjacent to SW 108th Drive	98 feet
Minimum Building Setback for Yards Adjacent to SW Tualatin Road	Subject to Table 62-2 Development Standards in the MP Zone

STANDARD	MODIFIED DEVELOPMENT STANDARDS UNDER IMP 24-0001
Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys	0 feet from side and rear yards under common ownership <u>From other lots: Subject to Table 62-2 Development Standards in the MP Zone</u> 50 feet From Lot 2S122BA00100 (currently owned by JAE Oregon Inc.); Subject to Table 62-2 Development Standards in the MP Zone
Parking and Circulation Areas Adjacent to SW Leveton Drive	50 feet
Parking and Circulation Areas Adjacent to SW 108 th Avenue	43 feet
Parking and Circulation Areas Adjacent to SW Tualatin Road	35 feet
Parking and Circulation Areas Adjacent to Private Property Line	0 feet from property lines under common ownership <u>10 feet from other lots</u> 9.5 feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.)
Fences	Subject to Table 62-2 Development Standards in the MP Zone
STRUCTURE HEIGHT	
Maximum Height	<u>85 feet</u> 70 feet May be increased to 85 feet if yards adjacent to structure are not less than a distance equal to one and one-half times the height of the structure. Flagpoles may extend to 100 feet.
Maximum Height Adjacent to Residential District	Subject to Table 62-2 Development Standards in the MP Zone

- c. Maintain the existing earthen berm and ~~existing~~ landscaping consisting of deciduous street trees, evergreen trees, and shrubs along the northeast frontage of SW Tualatin Road to the driveway adjacent to 115th Avenue.
- d. Retain the existing stand of trees behind Building A, or integrate into the parking lot design as deemed appropriate.
- e. ~~Parking lot landscaping for the north half of the site must follow the standard requirements of TDC Chapter 73C. To accommodate grade changes, an alternative method of parking lot~~

~~landscaping is acceptable for terraced parking lots proposed for the south half of the site. These lots must provide a minimum landscape island area of 25 square feet per parking stall and comply with the following:~~

- ~~i. Landscape separation that is a minimum of five feet in width is required for every twelve continuous spaces in a row;~~
 - ~~ii. Landscaping strip that is a minimum of ten feet in width must be placed in between rows of facing vehicles;~~
 - ~~iii. Must be planted with one deciduous shade trees for every four parking spaces, with required trees evenly dispersed throughout the parking lot;~~
 - ~~iv. Must be planted with groundcover or shrubs; and~~
 - ~~v. Native plant materials are encouraged.~~
- e. **The version of TDC 73C Parking Standards effective on July 8, 2024 will apply.**