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October 10, 2025

Via Email

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

Mr. LaVigne,

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

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

Hamilton Response Ltr. to Mr. LaVigne

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

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

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

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

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

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

Text and Context of the Noise Ordinance

Here's what the ordinance says:

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

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

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

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

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

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

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

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

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

Conclusion

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

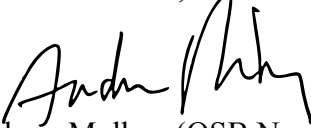
Based on the characteristics of the sounds produced by Lam's facilities, it is appropriate for the City to consider *both*, TMC 6-14-030 and TMC 6-14-050. The sounds produced by Lam meet the criteria required for a "noise disturbance," and in many instances they also fall within the prohibition for loud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

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

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

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

Date: October 10, 2025


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Enclosures:

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

cc w/ enclosures:

Client

Kevin McConnell, Tualatin City Attorney

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

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

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

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

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

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

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

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

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

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

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

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

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

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