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Via Email

City Council
City of Tualatin
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Re: Appeal Hearing for AR 24-0002, Lam Research Campus, SW Leveton Dr.; Mr. Hamilton's Second Pre-Hearing Letter

Dear Mayor Bubenik and City Councilors:

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

Mr. Hamilton's concern and the concerns of many who live in the neighborhoods that rely on Tualatin Road, is that by allowing Lam's employees to use the northern most access on 108th to enter and exit Lam's new parking lots, Lam will increase the traffic going to, and coming from, Tualatin Road and increase the risk of a crash at 108th and Tualatin Road. Compared to other unsignaled, three-leg intersections with similar traffic levels of traffic, the intersection at 108th and Tualatin Road has an accident rate that is five times greater than the accident rate of 115th and Tualatin Road. Both intersections have similar average daily traffic (ADT) volumes,¹ and yet driving through the intersection of 108th and Tualatin Road is far more unsafe and prone to a crash. The 108th and Tualatin Road intersection's crash rate is significantly higher than the rate for 112th and Tualatin Road, which had zero accidents over the same five-year period. Compared to its peers that provide neighborhood access to and from Tualatin Road, the intersection at 108th and Tualatin is far more accident prone and unsafe. Adding additional traffic from Lam's proposed parking lots will only increase the risk of accidents.

¹ The applicant's Traffic Impact Analysis estimates ADT for 108th and Tualatin Road at 14,744. That is slightly less than the 14,844 ADT for the intersection of 115th and Tualatin Road. See Applicant's TIA at 5-6 (*Intersection Crash Rates*).

Lam points out that the 5-year crash rate for the intersection is below the 90th percentile crash rate for similar intersections studied by ODOT (0.293 Intersection Crash Rate per Million Entering Vehicles). That said, the intersection at 108th and Tualatin Road has a higher crash rate than both the median and the mean accident rate of the intersections studied by ODOT. ODOT determined that, over the five-year study period, the mean crash rate for three-leg intersections without signals is 0.131 (crashes per MEV), and the median crash rate was 0.105 (crashes per MEV). In contrast, the applicant's traffic impact analysis estimates that 108th and Tualatin Road currently has an estimated crash rate of 0.15 (crashes per MEV).² The intersection already presents an above average danger to drivers, and Lam's proposal will increase the number of cars attempting to navigate the risky intersection during rush-hour.

The intersection at 108th and Tualatin Road is already above average for the danger it presents to drivers and nearby residents who rely on Tualatin Road. By opening up the northernmost access on 108th to its office workers and shift workers, Lam is seeking to make a known problem worse. Should the intersection's accident rate increase as a result of Lam's employee traffic, neighboring residents have no way to hold Lam accountable or to require the company to address the increased risk and danger posed by the intersection. The City's approval will already have been granted, and neighbors will be stuck with the consequences and reduced safety.

Rather than run the risk that Lam's proposal will increase the number of accidents at the intersection of 108th and Tualatin, Mr. Hamilton and many neighbors ask the City for a fairly simple and straight-forward solution. Simply require Lam to direct employee traffic to its newly proposed and existing parking lots through the existing main entrance on Leveton Drive. Although Lam explains that the northernmost access off 108th has already been built, the access point is currently limited to construction contractors and emergency vehicles. Even then, Lam has failed to demonstrate that the access point was ever actually permitted or the level of traffic it was supposed to serve. Mr. Hamilton has explained that the prior 2022 industrial master plan did not include the northernmost access point in its design. In this case, the City has the authority to maintain the status quo and not allow Lam to make an already above average traffic risk even worse.

The Architectural Review Board has broad discretion to take actions that "sustain the comfort, health, safety, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City." TDC 33.020(1)(i) (describing the AR Board's purpose). As both Mr. Hamilton and the applicant have pointed out, the AR Board may impose "restrictions and conditions" that "[i]mplement the requirements of the Tualatin Development Code." TDC

² From Exhibit 4-1: "Intersection Crash Rates per MEV by Land Type and Traffic Control," ODOT Analysis and Procedure Manual (ODOT APM).

33.020(6)(a)(iii). These conditions “may... include, but are not limited to” plan modifications and access limitations. Specifically, the development code describes plan modifications as “[c]hanges in the design or intensity of the proposed development... necessary to assure compliance with this chapter.” TDC 33.020(6)(b)(iv). Access limitations include limits to the “number, location and design of street accesses... to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.” TDC 33.020(6)(b)(vi). The City has the ability to assuage local resident’s concerns about traffic safety on Tualatin Road.

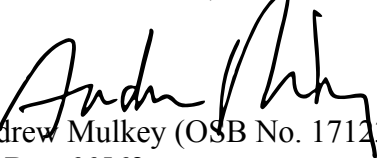
In this case, for the purposes of sustaining the health, safety and tranquility of residents, the AR Board (and the City Council) has the ability to restrict Lam’s use of the northern access point on 108th to its current use as a construction-contractor/ emergency-vehicle only access point. TDC 33.020(1)(i). The City can prohibit Lam from using the northern access point as a “release valve” for its newly proposed and existing parking lots and hundreds of new trips. In other words, the City has the ability to limit the design and intensity of the proposed development for the purpose of preserving the status quo, and not risking that an already above average crash rate at 108th and Tualatin will increase as a result of Lam’s expansion. TDC 33.020(6)(b)(iv).

Maintaining the access point’s status quo, would “maintain the capacity of the streets to carry traffic safely,” by removing the chance the increased employee traffic will flow through an intersection that presents an above average safety risk to commuters and residents. TDC 33.020(6)(b)(vi). Moreover, denying Lam the ability to expand its use of the northernmost access point off 108th, does not threaten Lam’s access to the development. TDC 33.020(6)(b)(vi). Lam has fallen far short of demonstrating that it actually requires employee access to the newly proposed and existing parking lots from the northernmost access on 108th. Instead, Lam’s has demonstrated that it has (and will have) sufficient access to the parking lots from Leveton drive. Limiting Lam’s employee traffic to Lam’s Leveton Drive access points would direct employee traffic away from 108th and therefore not make an already bad situation worse.

For similar reasons, the City also has the authority to limit Lam’s access off 108th for the purpose of reducing “cut-through” traffic by Lam’s employees from Tualatin to Hazelbrook Road via 112th and 115th. Cut through traffic from Tualatin to Hazelbrook presents a threat to the public’s health, safety, and welfare of the neighborhood’s residents. The intersection of Hazelbrook Road and 99W already has a failing grade for delays, and providing employees who will park in Lam’s newly proposed and existing parking lots with more speedy access to Hazelbrook via 115th and Tualatin Road from the northernmost access of 108th can only make the existing problem worse. Both TDC 33.020(6)(b)(vi) and (6)(b)(vi) allow the City to ensure that Lam complies with provisions of the code for the purpose of “maintain[ing] the capacity of streets to carry traffic safely.” TDC 33.020(6)(b)(vi)

As the applicant explained in its Traffic Impact Analysis, “[t]he intersection of SW Hazelbrook Road/OR 99W experiences long delays in the PM peak hour for vehicles turning right onto OR 99W.” The applicant proposes a recommended mitigation measure to “[c]oordinate left turn movements from OR 99W to SW Tualatin Road at the intersection with SW 124th Avenue.” However, it is not clear that the applicant has any control over sequencing traffic lights to implement that proposed mitigation, nor has that applicant shown that such mitigation is possible, probable, or feasible from the perspective of Lam’s ability to implement the mitigation. More importantly, the AR Board’s decision does not impose changes to the timing of the left-turn traffic signals at the intersection of Tualatin Road and 124th. That said, Lam does have the ability to limit employee access from its newly proposed and existing parking lots to cut-through routes to highway 99 by making it more cumbersome for those employees who park in those lots from accessing Tualatin Road via 108th.

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