

Brett Hamilton

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Tualatin Oregon 97062

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City of Tualatin
Community Development Planning Division
10699 SW Herman Road
Tualatin Oregon 97062

Opposition to Lam's Building B Expansion (AR26-0002)

Dear Tualatin Planning Department:

Thank you for the opportunity to comment on Lam's AR26-0002 application. I am opposed to this land use application because it will exacerbate an existing nuisance noise condition and violate my legal right to quiet enjoyment.

Sleep Disrupted:

Lam's noise already keeps neighbors awake at night, myself included. This is well documented. In their previous land use application, based on their own data, Lam shows that noise from their facility will increase significantly over existing levels and will inflict 50 decibels at night on surrounding residential property, not just occasionally, but on an ongoing basis, all night long. This increased noise level represents a grave threat to our ability to sleep at night. Lam's existing noise levels already have a detrimental impact on mental health, physical health, productivity, and property values. Without noise mitigation, Lam's expansion plans are untenable.

The primary purpose of residential zoning is to protect the places where humans sleep at night. Lam's proposed sound levels will be loud enough to wake up, and keep awake, many more residents. Short-term sleep deprivation impairs cognitive function and concentration. Lam's noise pollution threatens our productivity and livelihoods. Chronic sleep deprivation represents more than just an annoyance, it is a known risk factor for the development of many diseases, including hypertension, diabetes, cancer, obesity, and depression.

Tualatin Code Enforcement has taken a position that the only noise standard in the Tualatin Noise Ordinance is the 50 decibel nighttime limit (TMC 6-14-050). However the Noise Ordinance contains an additional separate provision for Noise Disturbance (TMC 6-14-030) that was identified by Attorney Andrew Mulkey and explained in detail in his attached letter. As far as I understand, the City continues to ignore this provision, which Lam is currently violating. Allowing a violator to increase the scope of an existing violation without requiring mitigation is highly problematic. Allowing industrial noise impacts to expand and encroach even further into residential areas is not acceptable.

Property Values:

A neighborhood that is saturated by continuous industrial noise is not a desirable place to buy a home or raise a family. The total value of residential real estate located between the Tualatin River and Tualatin Road is currently well above \$500 million. This tax base must be protected. From an economic standpoint, the best solution would be for Lam to grow in a way that does not destroy the character of the surrounding neighborhoods.

Lam's noise pollution represents an externalized cost that is being paid for by the residents who live here. Over the past three years, Lam has not taken **any** meaningful action to reduce the off-site noise impacts of their roof-top equipment. Instead, they have proposed a significant increase.

Omissions:

At the ARB hearing in September 2025, Lam provided an environmental noise model that contains a significant disclaimer: **"No existing sources, other sources that may be planned for TUX, or sources associated with other planned developments are included in the predictive model."** (CGA Noise Model, Page 3) Lam's noise model does **not** include data from the Future Gas Yard, Building U Gas Pad, or the rooftop HVAC equipment on Building H. This omission needs to be corrected. In order for the City to have an accurate understanding of future noise levels, Lam's noise model should include ALL known and planned noise sources. We ask Lam to include a complete and comprehensive noise model as part of the current AR26-0002 application.

I would also request that Lam release all of the environmental assumptions and variable values (wind direction, wind speed, pressure, temperature, humidity, etc) used in these models and in the ISO 9613 calculations that predicted the overall combined noise levels. Considering that Lam's prediction is right at the 50 decibel nighttime limit for noise sensitive properties, it would also be appropriate to ask Lam to calculate all noise figures to the tenth of a decibel. This will give our city staff, elected officials, and the community a better picture of how much margin we are working with.

Chemical Management:

The "Supporting Materials" submitted with AR26-0002 includes TVF&R "Approved Plans" in which the proposed new building is labeled "New 'B' Chemical Management Building" but this name is not included on any of the other site plans. The acronyms CMS and AWN are used, without a description for what they stand for. The word "Chemical" is not mentioned anywhere in the narrative. This omission appears to be consistent and deliberate and it deserves further explanation.

What is the purpose of the CMS building? What chemicals will be stored there? The public has a right to know what hazards are located in our area. I hereby request a complete list of the chemical names and ballpark quantities that are, and will be, stored and used inside and outside both parts of Building B. Considering the proximity of this building to private homes, a full disclosure is warranted.

Also, the “Stormwater Memo” mentions an NPO2 tank, but this tank is not included in the narrative or in any of the other site plans. What is the purpose of the NPO2 tank? What does it contain?

Manufacturing Park:

In 1983, the City of Tualatin created a new planning district specifically for this “Leveton property”. The City planners named it “Manufacturing Park (MP) Planning District” and said that it should be “limited to very light industrial” use (Draft PA 83-1 Page 76) and should include “The capability to create a ‘campus’ setting with elaborate landscaping, 10 percent to 30 percent of the site being used as a buffer from surrounding land uses ... and the presence of trees.” (Draft PA 83-1 Page 68)

This stated intent is codified in the TDC Chapter 62 purpose which says “Such 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 limiting uses to those that are of a nature so **as to not conflict with** other industrial uses or **surrounding residential areas.**” (emphasis added)

By comparison, the Light Manufacturing (ML) planning district allows for more noise: “The zone is suitable for warehousing, wholesaling, and light manufacturing processes that are not hazardous and **do not create undue amounts of noise**, dust, odor, vibration, or smoke.” (emphasis added) This ML language is more permissive of noise than the language used in the MP planning district.

Since the City code does not provide definitions for the words “objectionable” or “undue” and since these words also do not appear in the Tualatin Noise Ordinance, we must use their plain language meaning when interpreting the Tualatin Development Code. The dictionary provides the necessary clarity. Undue means “exceeding or violating propriety or fitness : more than is reasonable or necessary” and objectionable means “undesirable, offensive.” These meanings are crystal clear.

By contrast, the General Manufacturing (MG) district makes no mention of noise, and this is consistent with the fact that MG is typically **not** located directly adjacent to residential areas. The City planners were smart when they placed ML and MP zones in strategic locations to serve as a buffer between heavy industry and residential use. The planners who designed the city maps and the City Council who adopted the code understood the need to preserve and protect the peace and quiet of residential areas. MP is held to a higher standard than ML which is held to a higher standard than MG.

The City’s current interpretation of the development code would render these differences meaningless, and would give very light manufacturing the same noise profile as heavy industry. This was clearly not the intent of the City planners and City Council when they designed these zones. The City’s current interpretation is not based on the intent of the planners nor is it based on the clear language in the currently adopted code.

The evidence on the record shows that Lam is currently producing noise that is undesirable, disruptive, and invasive, and includes clear pulsing tones which are similar to an alarm clock. This noise signature is, by any definition, an offensive nuisance.

Therefore, it is more than reasonable to conclude that Lam is violating the purpose of the MP zone by causing objectionable noise to emanate from their property. Lam's current operations are clearly not consistent with the stated purpose of the MP zone. Lam's proposed noise increase will make this discrepancy even more glaring.

I did not move to the nuisance. When I purchased my home, this campus was occupied by Novellus Systems and it was very quiet. Lam's earlier expansions were respectful of residential land use, but that changed around 2018 when Lam began to install much more equipment on their roof. Lam has converted this facility from a park-like campus into a noisy industrial machine.

By approving AR26-0002 without noise mitigation, the City would be allowing the foreseeable worsening of an existing noise nuisance. Waiting for the problem to get worse before taking any corrective action goes against the purpose of planning. Lam's noise issue should be solved during the planning process, no afterwards.

Conclusion:

The City of Tualatin has ample grounds, cause, and justification to require Lam to reduce, not increase, the amount of noise coming from their Tualatin campus. Lam's existing noise signatures are continuous, offensive, and objectionable, and they pose a threat to human health and the local economy.

We want Lam to grow in a way that does not harm the community. This will require Lam to make real changes to their physical plant. If Lam is unable to remedy the situation on their own, then the City of Tualatin will need to create incentives that will bring about the necessary changes.

We look forward to working with Lam and the City to find a solution that works for all parties.

Please find attached the following documents:

- 3+ years of Noise Complaint text messages to Lam: Jan 2023 – April 2026
- Letter from Andrew Mulkey dated Oct 10, 2025 regarding Noise Disturbance
- Professional Qualifications of our Acoustical Engineer, Mr. Elki Lahav

The 1983 Tualatin Industrial Planning Area Draft Plan Amendment (PA 83-1) is available here:
<http://www.tualatinroad.org/files/TUA1983032801.pdf>

Please feel free to reach out if you have any questions.

Sincerely,

Brett Hamilton