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Tualatin City Council
10699 SW Herman Road
Tualatin Oregon 97062

Dear Mayor Bubenik, Council President Pratt, and Members of City Council,

Thank you for hearing our appeal of AR26-0002 at your City Council meeting last week.

Public Comments Excluded

According to the City staff report, at least 61 public comments were received during the public comment period for the staff-level decision, but these comments are missing from the record. In their place is a one-page PDF (Exhibit C) that says: “To ensure privacy public comments have been removed.” By comparison, public comments submitted after the Sept 14 hearing are posted online, with no redactions, and no explanation for this inconsistency.

In response to my Public Records Request for Exhibit C, I received a folder containing 62 *“.msg”* files in a proprietary closed-source Microsoft Outlook format. Some of these files can not be converted using the open-source software tools that I currently have. Of the comments I can convert, all of them are in opposition to the land use application, but I can not convert all of them due due to the file format.

All of the public comments received by the city should be included in the record and accessible to all. The exclusion of some comments may be a procedural violation, and I am raising this issue now so that it can be corrected prior to the City Council deliberations.

Scope of Architectural Review

During last week’s hearing, Lam’s attorney claimed that noise is outside the scope of Architectural Review because it is a performance standard in the Tualatin Development Code Chapter 63.

Based on Lam’s logic, any developer in the City of Tualatin could propose a facility that would clearly violate every environmental regulation in TDC Chapter 63, and (based on Lam’s flawed logic) the City Council would have to approve the development because Chapter 63 is a performance standard. Lam’s logic is is wrong, because following their logic would result in an absurd outcome.

Lam’s arguments also conflict with the written record. Their land use application narrative walks through Chapter 63 point-by-point saying “this standard is met” proving that each of the code requirements in Chapter 63 are in fact within the scope of this Architectural Review.

During the 2025 Planning Commission TUX hearing, Lam said that noise would be addressed at the Architectural Review Board. At the ARB hearing, Lam said that noise would be addressed by Code Enforcement, and one year later, the noise is even louder. Now Lam is trying to claim that noise is entirely beyond the scope of the Tualatin land use review process.

Code Enforcement has Failed

Instead of addressing noise impacts during the planning phase, when it would be most appropriate, efficient, and practical, Lam asks the City to kick the can down the road and rely solely on Code Enforcement to address future noise impacts from proposed facilities that will exceed the Tualatin Noise Ordinance limits. This is the wrong approach.

Code Enforcement has failed:

- Police officers refuse to take **any** noise readings at night.
- Code Enforcement officers demand that residents schedule readings in advance.
- Code Enforcement officers refuse to take readings at the known loudest locations.
- The City ignores the *Noise Disturbance* provision of the Tualatin Noise Ordinance.
- One officer said “It is impossible to enforce the Tualatin Noise Ordinance on a business.”

Wildlife and the Natural Environment

Due the lack of evidence provided by the applicant, the air and water pollution impacts of this project are unknown. In addition to environmental toxins, noise pollution has significant negative impacts for many native birds[1] by increasing chronic stress, stunting chick growth, and masking critical mating and predator-detection sounds.

In conclusion, the land use review process is the appropriate time for city planners to consider the negative impacts of a development. I ask that you grant this appeal and overturn the staff-level decision which was improperly made. We have demonstrated that AR26-0002 will violate the Tualatin Development Code, and therefore it should be denied. The applicant can resubmit this land use application with the appropriate level of documentation, modeling, and due diligence.

Thank you for your consideration.

Sincerely,



Brett Hamilton

[1] Natalie L. Madden, Kirby L. Mills, Karen M. Alofs, Clinton D. Francis, Neil H. Carter; Trait-mediated effects of anthropogenic noise on bird behavior and fitness. *Proc. R. Soc. B* 1 February 2026; 293 (2064): 20252521. https://doi.org/10.1098/rspb.2025.2521