



ANALYSIS AND FINDINGS

LAM RESEARCH CAMPUS

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| Case #: | IMP 22-0001 |
| Project: | Lam Research Corporation Campus |
| Location: | 11155-11361 SW Leveton Drive; Tax Lots: 2S122AA 500 and 800; 2S122AB 100 |
| Representative: | Suzannah Stanley, Mackenzie |
| Owner: | Lam Research Corporation |

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Arrangements can be made to provide these materials in alternative formats such as large type or audio recording. Please contact the Planning Division at 503.691.3026 and allow as much lead time as possible.

I. INTRODUCTION

A. Applicable Criteria

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

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

B. Site Description

The subject site is a 58 acre campus located at 11155 SW Leveton Drive (Washington County Tax Lots: 2S122AA 500 and 800; 2S122AB 100), and is zoned Manufacturing Park (MP).

The site currently consists of three lots, five buildings, and associated parking. This property is located in the former Leveton Taxing District; north of SW Leveton Drive, west of SW 108th Avenue, and south of SW Tualatin Road. The land reaches a high point of 188 feet in elevation in the northwest corner and slopes down to a low point of 146 feet near the southern end of the property.

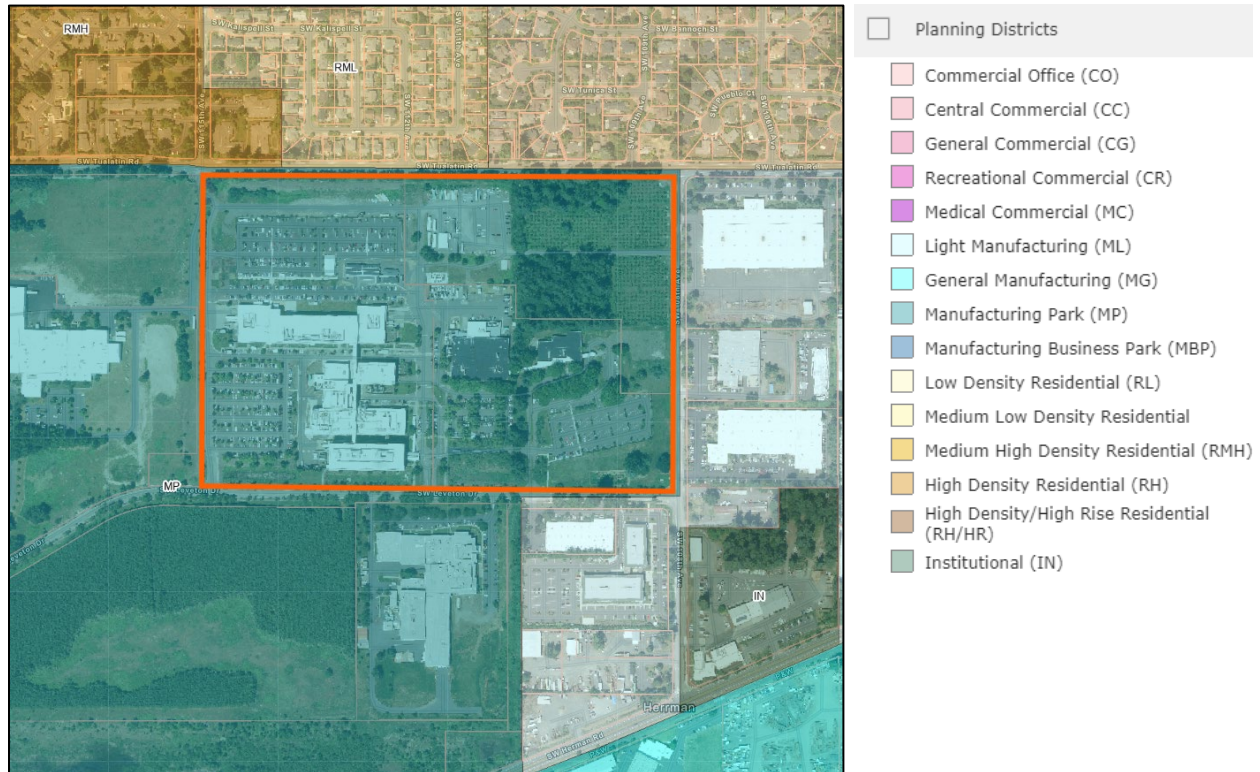


Figure 1: Aerial view of subject site (highlighted)

C. Proposed Project

The Lam campus has a previously approved Industrial Master Plan (IMP 00-01) that was adopted through Resolution No. 3805-01 and included as Exhibit D. IMP 00-01 included three conditions of approval to: (1) establish modified development standards, (2) recognize that public facilities are reviewed under the Architectural Review process, and (3) establish building material and colors for the campus.

As described in the applicant’s narrative (Exhibit A1), Lam Research would like to modify two conditions of approval from IMP00-01.

Condition of Approval 1.a., which states:

“To meet the requirements of the TDC, through the Architectural Review process, building setbacks shall not be approved less than 68 feet to SW Leveton Drive and 98 feet to SW 108th Avenue after required dedication of right- of-way, turn lane and intersection improvements. Building setbacks to SW Tualatin Road shall meet the requirements of TDC 62. 060(2)(a) and 62. 080(2). Interior side yard building setbacks shall be no less than 20 feet, except setbacks to the common property line with JAE shall be no less than 100 feet.”

And Condition of Approval 1.b., which states:

“To meet the requirements of the TDC, through the Architectural Review process parking/ circulation setbacks shall not be approved less than 108 feet to SW Leveton Drive and 43 feet to SW 108th Avenue after required dedication of right- of-way, turn lane and intersection improvements. Interior side yard parking and circulation setbacks shall be as shown on Exhibit 2, Sheet SD- 5, dated December 22, 2000.”

This request includes the following modifications to setback standards for the campus development, including:

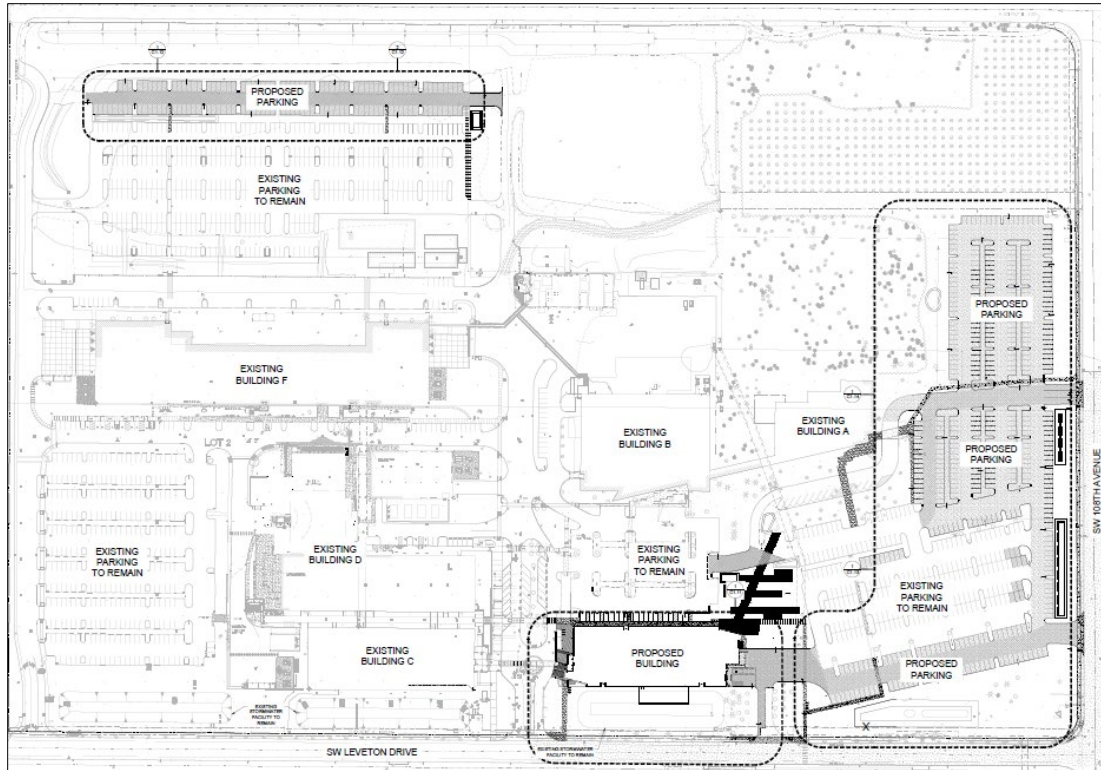
- Building setbacks from interior lot lines (from 20 feet to 0 feet);
- Building side yard setbacks from adjacent property to the west (from 100 feet to 50 feet);
- Parking and circulation area setbacks from Leveton Drive (from 108 feet to 50 feet);
- Parking and circulation area setbacks from interior and rear lot lines (from plan sheet reference to 0 feet);
- Parking and circulation area setbacks from adjacent property to the west (from plan sheet reference to 9.5 feet); and
- Other conditions of Resolution No. 3805-01 (IMP 00-01) remain valid.

The request to amend setbacks will: bring some modified standards into conformance with the underlying MP Zone, will remove the nonconforming development status for accessory structures that resulted from a property line adjustment recorded after Resolution No. 3805-01 was adopted, and will remove reference to a scanned plan sheet that provides no dimensions.

The request will also support a separate Architectural Review application (AR 22-0006) request to construct a four-story, 120,000 square foot office building sited on the south end of the property and east of the main entrance. The proposal includes an expansion of parking areas by approximately 578 stalls to support an increase of approximately 600 new employees. The application also includes two new access points off of SW 108th Avenue to serve the new parking area.

While IMP 00-01 did anticipate this future office building, its general location, and new access drives; the newly proposed parking area has been modified. IMP 00-01 originally envisioned two parking structures on the east side of the campus with a surface parking lot on the north east end of the site. Lam would now like to trade the anticipated parking structures with surface parking, by expanding two existing lots and by creating new lots that wrap along the eastern edge of the site.

Figure 2: Site Plan (overview)



D. Previous Land Use Actions

- 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
- Olympus Controls

F. Exhibit List

Exhibit A1 - Narrative

Exhibit A2 – Plan Set and Elevations

Exhibit A3 – Supporting Documents

Exhibit A4 – Recorded Easements

Exhibit B – Public Noticing Requirements

Exhibit C – Public Comment

Exhibit D – Resolution 3805-01

Exhibit E – Record of Survey 33034 (PLA 16-006)

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 for IMP 00-01 that was memorialized under Resolution 3805-01. This action requires an Industrial Use Permit application which is classified as a Type III Procedure Types according to Table 32-1. 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 application was deemed complete on September 15, 2022, and the hearing for IMP 22-0001 is scheduled for November 17, 2022. Final action will take place by January 13, 2023 in compliance with ORS 227.178. 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 July 22, 2022, less than one month prior to submittal. 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 they held a Neighborhood/Developer meeting on August 16, 2022, one day prior to application submittal. The applicant has provided documentation of

sign posting and notification in compliance with this section, as well as a sign-in sheet and notes from the meeting. 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, who is the owner of the subject property. 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 August 17, 2022, and the application was deemed complete on September 15, 2022. The general land use submittal requirements were included with 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 in conformance with this section were placed on site in accordance with 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 August 17, 2022. The application was deemed complete on September 15, 2022. 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 hearing concerning IMP22-0001 was mailed by city staff on October 28, 2022 as Exhibit B, which contained the information required by this section. ~~One~~ Two public comments ~~was~~ were received (Exhibit C) ~~and that~~ inquired about the existing street trees and screening along SW Tualatin Road. With recommended Condition of Approval 3, the applicant will be required to maintain the existing landscape screening.

(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:

The proposal is requesting a reduction to parking setbacks that were memorialized through Resolution 3805-01. Specifically, the applicant is requesting a modification to IMP 00-01 Condition of Approval 1.b. to align the minimum required parking lot setback along SW Leveton Drive with the 50' minimum standard in the MP District. Resolution 3805-01 also modified the minimum parcel size requirement to 15 acres, as platted under PAR 00-04 (Document No. 2001082729) and modified under PLA 16-0006 (Record of Survey 33034, Exhibit E). Specifically Tract 1 is 27.23 acres, Tract 2 is 15.03 acres, and Tract 3 is 15.75 acres. Lastly the proposal includes the entirety of the master plan area which encompasses three lots under the common ownership of Lam Research Corporation.

(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 property is an existing developed site that is served by public facilities and services. A corresponding Architectural Review application (AR 22-0006) has been submitted to construct a four-story, 120,000 square foot office building sited on the south end of the property and east of the main entrance. The proposal includes two new driveway entrances and an expansion of parking areas by approximately 578 stalls. Staff recommends Condition of Approval 2 to recognize that the corresponding Architectural Review process will identify public facility improvements that are necessary to serve proposed development.

Transportation

Street classification and right-of-way are in accordance to the TDC 74.210 and 425. The corresponding development application, AR 22-0006, may be required to dedicate additional right-of-way necessary to comply with Figures 74-2A through 74-2G wherever existing streets adjacent to proposed development are of inadequate right-of-way width, prior to the issuance of building permits.

The Lam Campus is currently served by four driveways. Three driveways are located off of SW Leveton Drive to serve Tracts 1 and 3 and one driveway is located off of 108th SW Avenue to serve Tract 2. There is also an emergency vehicle access located off of SW Tualatin Road that the Lam property shares with the neighboring property to the west, owned by JAE Oregon Inc (See Exhibit A4, Document 89-20417). The corresponding development application, AR 22-0006, includes two new driveways off of SW 108th Avenue to serve Tracts 2 and 3.

A Declaration of Roadway, Utility, Cross-Access, and Parking Easements, recorded as document 2002-033655 (and included as Exhibit A4) describes the roadway easement rights of Partition Plat 2001-058 recorded as Document No. 2001-082729. However PLA 16-006 and Document 2017-018737 have reconfigured the property lines within the LAM campus and the Declaration was not amended and rerecorded to reflect the new lot lines.

Water

The Lam campus is served by a number of lateral connections to the public 18" high pressure water main north of SW Leveton Drive, with Tract 1 and 2 having existing water meters. In particular Tract 1 is served by an 8" service lateral and a 10" distribution lateral at Service Level A, as shown in As-Built 01-32-05. Tracts 2 and 3 are served by laterals that connect to the 12" low pressure distribution main within SW Leveton Drive, as shown in As-Built 90-08-03. Additionally Exhibit A4 (Document 2002-044680), describes a water easement located along the southern property line of Tracts 1 and 2, as well as a line that veers northwest through Tract 2 to serve Tract 3. Exhibit A2 illustrates that the future building will be served by new water laterals located southeast of the building. Finally water modeling will be required for the proposed building under AR 22-0006 to ensure that public water infrastructure is adequate to support the proposed development.

Sewer

The Lam campus is served by a 15" sanitary sewer main located in SW Leveton Drive, south of the subject property and as shown in As-Built 01-19-02. Based on the application materials submitted, it's not clear if sanitary sewer lines extend across Tracts 1-3 within the proposed development.

The corresponding development application, AR 22-0006, will be served by a 6" line that connects to the existing manhole stub, located southeast of the proposed building. No new laterals to the public system are proposed.

Stormwater

The Lam campus is served by a central storm drainage system, which includes a series of catch basins,

water quality/detention facilities that are located on the south property lines of the campus. This includes Pond A and B (Private Stormwater Facilities Agreement 2021-088690) on Tract 1, as well as Pond C and extended dry basin (Private Stormwater Facilities Agreement 2020-110089) on Tract 3. The storm water generated is detained, then metered at predevelopment flows, and is conveyed into the public storm main. This main runs east, then south down SW Herman Road, and outfalls in the Hedges Creek Subbasin.

The corresponding development application, AR 22-0006, includes a preliminary Stormwater report to address capacity for the new development proposal in accordance with TDC 74.630 and 650.

(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 subject property is a developed site, with a previously approved Industrial Master Plan (IMP 00-01). The previous IMP included Condition of Approval 1.a. which provided modified building setbacks to encourage development on the south side of the site, along SW Leveton Drive to take advantage of the topographical differences and slopes on site.

IMP 00-01 also included Condition of Approval 3.a.-b., which requires that building colors and materials be reviewed through the Architectural review process and remain consistent with earth toned building colors and building materials consisting of masonry, sandstone, metal siding, and window glazing. The applicant is not asking to modify color and material standards, and therefore staff recommends Condition of Approval 3 to address the criterion.

(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 00-01). The applicant is requesting to modify two Conditions of Approval.

Condition of Approval 1.a., which states:

“To meet the requirements of the TDC, through the Architectural Review process, building setbacks shall not be approved less than 68 feet to SW Leveton Drive and 98 feet to SW 108th Avenue after required dedication of right- of-way, turn lane and intersection improvements. Building setbacks to SW Tualatin Road shall meet the requirements of TDC 62. 060(2)(a) and 62. 080(2). Interior side yard building setbacks shall be no less than 20 feet, except setbacks to the common property line with JAE shall be no less than 100 feet.”

And Condition of Approval 1.b., which states:

“To meet the requirements of the TDC, through the Architectural Review process parking/ circulation setbacks shall not be approved less than 108 feet to SW Leveton Drive and 43 feet to SW 108th Avenue after required dedication of right- of-way, turn lane and intersection improvements. Interior side yard parking and circulation setbacks shall be as shown on Exhibit 2, Sheet SD- 5, dated December 22, 2000.”

This request includes the following modifications to setback standards for the campus development, including:

- *Building setbacks from interior lot lines (from 20 feet to 0 feet);*
- *Building side yard setbacks from adjacent property to the west (from 100 feet to 50 feet);*
- *Parking and circulation area setbacks from Leveton Drive (from 108 feet to 50 feet);*
- *Parking and circulation area setbacks from interior and rear lot lines (from plan sheet reference to 0 feet);*
- *Parking and circulation area setbacks from adjacent property to the west (from plan sheet reference to 9.5 feet); and*
- *Other conditions of Resolution No. 3805-01 (IMP 00-01) remain valid.*

The request to amend setbacks will bring some modified standards into conformance with the underlying MP Zone, will remove the nonconforming development status for accessory structures that resulted from a property line adjustment recorded after Resolution No. 3805-01 was adopted, and will remove reference to a scanned plan sheet that provides no dimensions.

The request will also support a separate Architectural Review application (AR 22-0006) request to construct a four-story, 120,000 square foot office building sited on the south end of the property and east of the main entrance. The proposal includes an expansion of parking areas by approximately 578 stalls to support an increase of approximately 600 new employees. The application also includes two new access points off of SW 108th Avenue to serve the new parking area.

While IMP 00-01 did anticipate this future office building, its general location, and new access drives; the newly proposed parking area has been modified. IMP 00-01 originally envisioned two parking structures on the east side of the campus with a surface parking lot on the north east end of the site. Lam would now like to trade the anticipated parking structures with surface parking, by expanding two existing lots and by creating new lots that wrap along the eastern edge of the site.

The table below summarizes the modified development standards requested under this Industrial Master Plan against the standards of the base 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 |
| 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 | 100 feet <u>No modification</u> |

| STANDARD | MP REQUIREMENT | MODIFIED DEVELOPMENT STANDARD UNDER IMP |
|---|--|---|
| 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 50 Feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.): <u>No modification</u> |
| 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 9.5 feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.) |
| Fences | 50 feet from public right-of-way | 50 feet from public right-of-way <u>No modification</u> |
| STRUCTURE HEIGHT | | |
| Maximum Height | 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. | 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. <u>No modification</u> |
| Maximum Height Adjacent to Residential District | 28 feet Measured at the 100-foot setback line, includes 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. | 28 feet Measured at the 100-foot setback line, includes 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. <u>No modification</u> |

Staff suggests Conditions of Approval 3 to memorialize 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 22-0001, and therefore recommend approval of this application with the following conditions of approval:

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.
 - 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 22-0001 |
|---|--|
| 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 | 100 feet <u>Subject to Table 62-2 Development Standards in the MP Zone</u> |
| Minimum Setback for Side and Rear Yards not Adjacent to Streets or Alleys | 0 feet from side and rear yards under common ownership 50 feet <u>From Lot 2S122BA00100 (currently owned by JAE Oregon Inc.); Subject to Table 62-2 Development Standards in the MP Zone</u> |

| STANDARD | MODIFIED DEVELOPMENT STANDARDS UNDER IMP 22-0001 |
|---|--|
| 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 9.5 feet from Lot 2S122BA00100 (currently owned by JAE Oregon Inc.) |
| Fences | 50 feet from public right of way <u>Subject to Table 62-2 Development Standards in the MP Zone</u> |
| STRUCTURE HEIGHT | |
| Maximum Height | 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. <u>Subject to Table 62-2 Development Standards in the MP Zone</u> |
| Maximum Height Adjacent to Residential District | 28 feet Measured at the 100-foot setback line, includes 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. <u>Subject to Table 62-2 Development Standards in the MP Zone</u> |

- 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.