



## AGENDA

### WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – First Reading and First Public Hearing  
Land Use & Transportation; County Counsel (CPO 1)

**Agenda Title:** **CONSIDER PROPOSED ORDINANCE NO. 860 – AN ORDINANCE AMENDING THE TEKTRONIX, INC. DEVELOPMENT AGREEMENT TO EXTEND THE EFFECTIVE TERM TO NOVEMBER 30, 2020**

**Presented by:** Stephen Roberts, Interim Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

#### SUMMARY:

Ordinance No. 860 proposes to amend the Tektronix, Inc. Development Agreement to extend the effective term by a year to allow staff and Tektronix, Inc. (now known as Beaverton, LLC) to revisit the terms of the Agreement and determine if any updates are necessary. The proposed ordinance is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

At its Sept. 4, 2019 public hearing for this ordinance, the Planning Commission voted 6-0 to recommend the Board adopt Ordinance No. 860 as filed. A staff report will be provided to the Board prior to the Oct. 1 hearing and posted on the above land use ordinance webpage. Copies of the report will be available electronically and at the Clerk's desk prior to the hearing.

Consistent with Board policy, testimony about the ordinance is limited to three minutes for individuals and 12 minutes for a representative of a group.

(continued)

The Staff Report is hyperlinked here and is also available at the Clerk's Desk.

#### DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 860 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 860 and associated findings.

#### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

**ADOPTED**

Agenda Item No.	<b>4.a.</b>
Date:	10/01/19

**CONSIDER PROPOSED ORDINANCE NO. 860 – AN ORDINANCE AMENDING THE TEKTRONIX, INC. DEVELOPMENT AGREEMENT TO EXTEND THE EFFECTIVE TERM TO NOVEMBER 30, 2020**  
**BOC 10/01/19**

**ADDITIONAL INFORMATION:**

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**Community Feedback** (Known Support/Opposition): None at this time.

**Legal History/Prior Board Action:**

- Original adoption of Agreement by Ordinance No. 530, October 1998;
- First Amendment adopted by Ordinance No. 647, October 2005;
- Second Amendment adopted by Ordinance No. 752 in October 2012.

**Budget Impacts:** None known at this time.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON

ORDINANCE 860

An Ordinance Amending the Tektronix, Inc.  
Development Agreement to Extend the  
Effective Term to November 30, 2020

The Board of County Commissioners of Washington County, Oregon (“Board”) ordains as follows:

SECTION 1

A. The Board recognizes that a “Development Agreement Between Washington County, Oregon and Tektronix, Inc.” was adopted by the Board as Ordinance 530 on October 27, 1998, under the provisions of ORS 94.504 to 94.528. By its terms, the agreement was set to expire on March 22, 2006. On October 4, 2005, the Board adopted Ordinance 647 which extended the effective date of the agreement to November 2, 2012. On December 22, 2011, Tektronix, Inc. transferred the property subject to the development agreement to its wholly owned subsidiary, Beaverton, LLC. The effective date was extended a second time when the Board adopted Ordinance 752 on October 2, 2012. Under the provisions of Ordinance 752, the development agreement is presently set to expire on November 2, 2019.

B. The Board recognizes that it is in the mutual best interests of the parties to modify certain elements of the Development Agreement and that the parties should be allowed sufficient time to consider appropriate updates. The Board recognizes that such changes are necessary from time to time for the benefit and welfare of the residents of Washington County, Oregon.

1 C. Under the provisions of Washington County Charter Chapter X, the  
2 Department of Land Use and Transportation has carried out its responsibilities, including  
3 preparation of notices, and the County Planning Commission has conducted one or more  
4 public hearings on the proposed amendments and has submitted its recommendations to the  
5 Board. The Board finds that this Ordinance is based on those recommendations and any  
6 modifications made by the Board are a result of the public hearings process;

7 D. The Board finds and takes public notice that it is in receipt of all matters and  
8 information necessary to consider this Ordinance in an adequate manner, and finds that this  
9 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan  
10 adoption as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington  
11 County Charter, the Washington County Community Development Code, and the Washington  
12 County Comprehensive Plan.

13 SECTION 2

14 The following exhibit, attached hereto and incorporated herein by reference, is adopted  
15 as an amendment to the original "Development Agreement Between Washington County,  
16 Oregon and Tektronix, Inc." as follows:

17 A. Exhibit 1 (3 pages), "Third Amendment and Restatement of the Development  
18 Agreement Between Washington County, Oregon, and Beaverton, LLC."

19 SECTION 3

20 All other Comprehensive Plan provisions that have been adopted by prior ordinance,  
21 which are not expressly amended or repealed herein, shall remain in full force and effect.

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READING

PUBLIC HEARING

First October 1, 2019  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

First October 1, 2019  
Second \_\_\_\_\_  
Third \_\_\_\_\_  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

VOTE: Aye: Harrington, Rogers,  
Treece, Willey

Nay: \_\_\_\_\_

Recording Secretary: Barbara Hejtmanek Date: October 1, 2019

THIRD AMENDMENT AND RESTATEMENT  
OF THE DEVELOPMENT AGREEMENT  
BETWEEN  
WASHINGTON COUNTY, OREGON,  
AND BEAVERTON, LLC.

**RECITALS**

A. On October 27, 1998, Washington County, Oregon (“Washington County”) and Tektronix, Inc. (“Tektronix”), entered into a Development Agreement defining the relationship between Washington County and Tektronix, Inc. for land uses at the Tektronix campus (the “Development Agreement”). The purposes for the Development Agreement are set forth in the Recitals section of the Development Agreement.

B. The Development Agreement was adopted by the County as Ordinance 530 on October 27, 1998. The Development Agreement was set to expire on March 22, 2006, seven (7) years after its effective date as set forth in Section 1 of the Development Agreement.

C. On October 4, 2005, the Washington County Board of Commissioners (“Board”) adopted Ordinance 647 entitled “First Amendment and Restatement of the Development Agreement Between Washington County, Oregon, Nike, Inc. and Tektronix, Inc.” (“First Amendment”). Ordinance 647 extended the Development Agreement for an additional seven (7) years. Ordinance 647 became effective on November 3, 2005. Therefore, the First Amendment was set to expire on November 3, 2012.

D. On December 22, 2011 Tektronix, Inc. transferred title and all rights to its then owned property subject to the Development Agreement as amended by the First Amendment to Beaverton LLC, a Delaware LLC (“Beaverton, LLC”), a wholly owned subsidiary of Tektronix, Inc.

E. On October 2, 2012, the Board adopted Ordinance 752 entitled “Second Amendment and Restatement of the Development Agreement Between Washington County, Oregon, and Beaverton, LLC.” (“Second Amendment”). Ordinance 752 extended the Development Agreement for an additional seven (7) years. Ordinance 752 became effective on November 2, 2012. Therefore, the Second Amendment will expire on November 2, 2019.

F. Washington County and Beaverton, LLC (“parties”) have agreed that it is in their mutual best interest to extend the effective term of the Development Agreement by one year and one month to provide additional time to further review the terms of the Development Agreement and to consider possible updates.

G. The parties now desire to make the changes necessary to extend the Development Agreement, all on the terms and conditions set forth in this Third Amendment and Restatement of the Development Agreement (“Third Amendment”).

## AGREEMENT

NOW, THEREFORE, in consideration of the mutual benefits to be realized by the following amendments to the Development Agreement, the following sections and subsections of the Development Agreement, as amended by the Second Amendment, shall be modified as shown below. Underlining indicates language added by this Third Amendment to existing language in the Development Agreement, as amended by the Second Amendment; ~~stricken~~ words indicate text deleted from the Development Agreement, as amended by the Second Amendment. Unless otherwise defined herein, capitalized terms in this Third Amendment have the meanings set forth in the Development Agreement.

**A. Section 1 is amended and restated as follows:**

**1. Effective Date and Term of Agreement**

This Agreement shall be effective following adoption of the County ordinance approving this ~~Second-Third~~ Third Amendment pursuant to ORS 94.508. As used herein, "approval" means the granting of the approval and the expiration of the period of appeal, or if an appeal is filed the resolution of that appeal to the satisfaction of Beaverton, LLC. The Agreement shall continue in effect for a period of ~~seven-one (71)~~ years and thirty one (31) days after its effective date so that it will expire on December 1, 2020, unless canceled by the parties as provided in Section 12 of the amended Agreement~~below~~.

**B. Section 13 is amended and restated to add the following:**

13.21 This Third Amendment is the complete agreement among the Parties with respect to the subject covered by this Third Amendment, and it supersedes any prior oral agreements on the same subjects.

13.22 The Development Agreement, ~~and First Amendment and Second Amendment~~, remain in full force and effect, except as amended by this ~~Second-Third~~ Third Amendment.

Executed as of the day and year witnessed by the signatures below.

By: \_\_\_\_\_

\_\_\_\_\_  
Beaverton, LLC, a Delaware LLC

STATE OF OREGON     )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, ~~2012~~2019, by \_\_\_\_\_, as an authorized member of Beaverton, LLC, on behalf of said corporation. |

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

By: \_\_\_\_\_

~~Andy Duyek~~, Chairman, Board of Commissioners  
Washington County, Oregon |

STATE OF OREGON     )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, ~~2012~~2019, by ~~Andy Duyek~~ the Chairman of the Board of Commissioners of Washington County, Oregon, on behalf of said county. |

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Action - Land Use & Transportation (CPO 1)

**Agenda Title:** ADOPT FINDINGS FOR ORDINANCE NO. 860

**Presented by:** Stephen Roberts, Interim Director of Land Use & Transportation

**SUMMARY:**

Ordinance No. 860 amends the Tektronix, Inc. Development Agreement to extend the effective term by a year. Ordinance No. 860 is posted on the County's land use ordinance webpage at the following link:

[www.co.washington.or.us/landuseordinances](http://www.co.washington.or.us/landuseordinances)

Post acknowledgment comprehensive plan amendments are amendments made to the County's Comprehensive Plan after it was acknowledged by the State Department of Land Conservation and Development as complying with the Statewide Planning Goals. ORS 197.615 requires that such amendments be accompanied by findings setting forth the facts and analysis showing that the amendments are consistent with the applicable Statewide Planning Goals, Oregon Revised Statutes, State Administrative Rules and the applicable provisions of Washington County's Comprehensive Plan.

Additionally, as required by Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP), any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the UGMFP.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 860. Prior to the Oct. 1 meeting, the proposed findings will be provided to the Board, posted on the above land use ordinance webpage and available at the Clerk's desk.

(continued)

Attachment: Resolution and Order

The Ordinance Findings are hyperlinked here and are also available at the Clerk's Desk.

**DEPARTMENT'S REQUESTED ACTION:**

Adopt the findings for Ordinance No. 860 and authorize the Chair to sign the Resolution and Order memorializing the action.

**COUNTY ADMINISTRATOR'S RECOMMENDATION:**

I concur with the requested action.

RO 19-91

Agenda Item No.	<u>4.b.</u>
Date:	10/01/19

**ADOPT FINDINGS FOR ORDINANCE NO. 860**  
**BOC 10/01/19**

**ADDITIONAL INFORMATION:**

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**Community Feedback** (Known Support/Opposition): None known at this time.

**Legal History/Prior Board Action:** These Findings are associated with Ordinance No. 860

**Budget Impacts:** No direct impacts

1 IN THE BOARD OF COMMISSIONERS  
 2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting ) RESOLUTION AND ORDER  
 4 Legislative Findings in Support )  
 of Ordinance No. 860 ) No. 19-91

5 This matter having come before the Washington County Board of Commissioners (Board) at  
 6 its meeting of October 1, 2019; and

7 It appearing to the Board that the findings contained in (Exhibit A) summarize relevant facts  
 8 and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised  
 9 Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's  
 10 Urban Growth Management Functional Plan relating to Ordinance No. 860; and

11 It appearing to the Board that the findings attached and herein incorporated as Exhibit A  
 12 constitute appropriate legislative findings with respect to the adopted ordinance; and

13 It appearing to the Board that the Planning Commission, at the conclusion of its public hearing  
 14 on September 4, 2019, made a recommendation to the Board, which is in the record and has been  
 15 reviewed by the Board; and

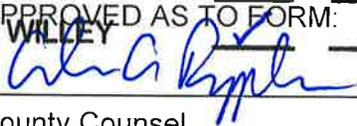
16 It appearing to the Board that, in the course of its deliberations, the Board has considered the  
 17 record which consists of all notices, testimony, staff reports, and correspondence from interested  
 18 parties, together with a record of the Planning Commission's proceedings, and other items submitted  
 19 to the Planning Commission and Board regarding this ordinance; it is therefore,

20 RESOLVED AND ORDERED that the attached findings in Exhibit A in support of Ordinance  
 21 No. 860 are hereby adopted.

22 DATED this 1st day of October, 2019.

	AYE	NAY	ABSENT
23 HARRINGTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24 SCHOUTEN	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25 TREECE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27 WILLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO FORM:

27   
 County Counsel  
 For Washington County, Oregon

BOARD OF COMMISSIONERS  
 FOR WASHINGTON COUNTY, OREGON

 10/1/19  
 Chair Kathryn Harrington

  
 Recording Secretary

## EXHIBIT A

### FINDINGS FOR ORDINANCE NO. 860

#### AN ORDINANCE AMENDING THE TEKTRONIX, INC. DEVELOPMENT AGREEMENT TO EXTEND THE EFFECTIVE TERM TO NOVEMBER 30, 2020

October 1, 2019

Part 1 – General Findings

Part 2 – Statewide Planning Goal Findings

Part 3 – Metro Urban Growth Management Functional Plan Findings

#### **Part 1:**

#### **GENERAL FINDINGS**

Ordinance No. 860 amends the Development Agreement between the County and Beaverton, LLC, formerly known as Tektronix, to extend the term of the Agreement by one year.

Because the ordinance would make changes that do not affect compliance with Oregon's Statewide Planning Goals (Goals), it is not necessary for these findings to address the Goals with respect to each amendment. The County Board of Commissioners (Board) finds that the Goals apply to amendments covered by these findings only to the extent noted in specific responses to individual applicable Goals, and that each amendment complies with the Goals. Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related Oregon Administrative Rules (OAR) are not addressed because these resources are not located within Washington County.

The Board also finds that Goals 3 (Agricultural Lands) and 4 (Forest Lands) are not applicable because the area affected by this ordinance is entirely within the urban growth boundary.

The County is also required to make findings that the amendments are consistent with the requirements of Metro's Urban Growth Management Functional Plan (UGMFP). These findings are addressed in this document.

#### **Part 2:**

#### **STATEWIDE PLANNING GOAL FINDINGS**

The purpose of the findings in this document is to demonstrate that Ordinance No. 860 is consistent with Statewide Planning Goals (Goals), Oregon Revised Statutes (ORS), Oregon Administrative Rule (OAR) requirements, Metro's UGMFP and Washington County's Comprehensive Plan (Plan). The County's Plan was adopted to implement the aforementioned planning documents and was acknowledged by the State of Oregon. The County follows the

post-acknowledgement plan amendment (PAPA) process to update the Plan with new state and regional regulations as necessary and relies in part upon these prior state review processes to demonstrate compliance with all necessary requirements. No goal compliance issues were raised in the hearing proceedings described below. The following precautionary findings are provided to demonstrate ongoing compliance.

### **Goal 1 – Citizen Involvement**

Goal 1 addresses Citizen Involvement by requiring the implementation of a comprehensive program to stimulate citizen participation in the planning process. Washington County has an acknowledged citizen involvement program that provides a range of opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County's Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County has followed these requirements for the adoption of Ordinance No. 860.

### **Goal 2 – Land Use Planning**

Goal 2 addresses Land Use Planning by requiring an adequate factual base to support a decision as well as coordination with affected governmental entities. Washington County has an acknowledged land use planning process that provides for the review and update of the various elements of the Plan, which includes documents such as the Rural/Natural Resource Plan, Comprehensive Framework Plan for the Urban Area (CFP), Community Plans, Community Development Code (CDC) and Transportation System Plan (TSP). Washington County utilized this process to adopt Ordinance No. 860.

Notice was coordinated with all affected governmental entities and no comments were received regarding the ordinance.

### **Goal 9 – Economic Development**

Goal 9 requires the provision of adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of citizens. Policy 20 of the CFP and Policies 15, 16, 20 and 21 of the Rural/Natural Resource Plan set out the County's policies to strengthen the local economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion.

Adoption of Ordinance No. 860 and the resulting extension of the Agreement support continued economic development on the Tektronix campus. The amendment is consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

### **Goal 12 – Transportation**

Goal 12 requires the provision and encouragement of a safe, convenient, multimodal and economic transportation system. Policy 32 of the CFP, Policy 23 of the Rural/Natural Resource Plan, and in particular the Washington County Transportation System Plan (TSP) describe the transportation system necessary to accommodate the transportation needs of Washington County. Implementing measures are contained in the TSP, Community Plans and the CDC.

Adoption of Ordinance No. 860 and the resulting extension of the Agreement make no changes to the listed transportation improvements in the Agreement. The amendment is consistent with the County's acknowledged policies and strategies for encouraging a safe, convenient and economic transportation system as required by Goal 12.

**Part 3:**

**URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN FINDINGS**

Section 3.07.810 of Title 8 of Metro's Urban Growth Management Functional Plan (UGMFP) requires that county comprehensive plan changes be consistent with the UGMFP. The following Ordinance No. 860 findings have been prepared to address Title 8 of the UGMFP.

**Title 8 – Compliance Procedures**

Title 8 sets forth Metro's procedures for determining compliance with the UGMFP. Included in this title are steps local jurisdictions must take to ensure that Metro has the opportunity to review amendments to comprehensive plans. Title 8 requires jurisdictions to submit notice to Metro at least 35 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan.

**RESPONSE**

Consistent with Title 8, a copy of proposed Ordinance No. 860 was sent July 31, 2019, to Metro, 35 days prior to the first evidentiary hearing. Metro provided no comments on Ordinance No. 860.