



August 12, 2005

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager  
Department of Land Use and Transportation

Subject: **PROPOSED ORDINANCE NO. 647**

Enclosed for your information is a copy of proposed Ordinance No. 647. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Planning Division.

### **Ordinance Purpose and Summary**

Ordinance No. 647 proposes to update and extend the Development Agreement between Washington County and Tektronix, Inc. previously adopted by the County on October 27, 1998 by Ordinance No. 530, as authorized by Oregon Revised Statutes 94.504.

### **Who Is Affected**

Owners of land subject to the Development Agreement as amended by the Agreement extension and owners of property surrounding the existing Tektronix Business Park Campus located in unincorporated Washington County.

### **What Land is Affected**

Land subject to the Development Agreement as amended by the Agreement extension and properties surrounding the existing Tektronix Business Park Campus in unincorporated Washington County.

### **Key Provisions**

- Extend the current Development Agreement for an additional 7 years (**Note:** The Development Agreement is set to expire on March 22, 2006).
- Update the Development Agreement to identify which of the required transportation improvements (Exhibit C. to the Development Agreement) remain to be completed (**Note:** Exhibit C. identified the transportation improvements needed to be completed to adequately serve the Tektronix Business Park Campus as well as the surrounding area).

### **Initial Public Hearings**

#### **Time and Place**

**Planning Commission**  
**7:30 pm**  
**September 21, 2005**

**Board of County Commissioners**  
**10:00 am**  
**October 4, 2005**

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 N. 1st Avenue, Hillsboro, Oregon.

On October 4, 2005, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 3, 2005.

**Urban Comprehensive  
Plan Policies Amended**

➤ None

**Rural/Natural  
Resource Plan Policies  
Amended**

➤ None

**Community  
Development Code  
Standards Amended**

➤ None

**How to Submit  
Comments**

Submit oral or written testimony to the Board and/or the Planning Commission at one of the public hearings. Written testimony may be mailed or faxed to the Board or Planning Commission in advance of the public hearings in care of the Planning Division. At this time, we are unable to accept e-mail as public testimony.

Washington County, Planning Division  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

Failure to submit oral or written testimony before the Board or Planning Commission may preclude appeal of a decision by the Board to adopt an ordinance as filed or amended.

**Staff Contact**

Paul Schaefer  
155 N. 1<sup>st</sup> Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Telephone: 503-846-8817 Fax: 503-846-4412  
e-mail: paul\_schaefer@co.washington.or.us

**Proposed Ordinance is  
available at the  
following locations:**

- The Washington County Department of Land Use and Transportation, Planning Division, 155 N. 1<sup>st</sup> Ave., Hillsboro, OR 97124-3072  
Telephone: 503-846-3519
- [www.co.washington.or.us/deptmts/lut/planning/ordhome.htm](http://www.co.washington.or.us/deptmts/lut/planning/ordhome.htm)
- Cedar Mill Community Library and Tigard City Library
- Citizen Participation Organizations (CPOs); Call 503-725-2115 for a directory of CPOs.

/wpshare/2005ord/Ordinance 647/Ord 647 CPO Notice

WASHINGTON COUNTY ENACTED ORDINANCE

//  
Pages



**ORDINANCE**

**647**

FOR WASHINGTON COUNTY CLERK'S USE ONLY



**FILED**

OCT 06 2005

Washington County  
County Clerk

Rec.

# 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:** PROPOSED LAND USE ORDINANCE NO. 647 – AN ORDINANCE  
AMENDING THE TEKTRONIX DEVELOPMENT AGREEMENT  
ORIGINALLY ADOPTED BY ORDINANCE NO. 530 AND  
PROVIDING A TERMINATION DATE

**Presented by:** Brent Curtis, Planning Division Manager; Dan Olsen, County Counsel

### SUMMARY:

On October 27, 1998, the Board of Commissioners (Board) adopted Ordinance No. 530 which established the Development Agreement between Washington County and Tektronix, Inc. The Development Agreement governs the future development and redevelopment of the Tektronix Campus, which is generally located between Millikan Way (to the south), Murray Boulevard (to the west), Jenkins Road (to the north) and Hocken (to the east). Ordinance No 647 was filed on August 5, 2005.

The key provisions of Ordinance No 647 will:

1. Extend the current Development Agreement for an additional 7 years (**Note:** The Development Agreement is set to expire on March 22, 2006).
2. Update the Development Agreement to identify which of the required transportation improvements (Exhibit C. to the Development Agreement) remain to be completed (**Note:** Exhibit C. identified the transportation improvements needed to be completed to adequately serve the Tektronix Business Park Campus as well as the surrounding area).

The staff report and a report on the Planning Commission's recommendation will be provided to the Board prior to the hearing and copies will also be available at the Clerk's desk.

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

### DEPARTMENT'S REQUESTED ACTION:

Read by title only and conduct a public hearing for Ordinance No. 647. At the conclusion of the hearing, adopt Ordinance No. 647.

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

# ADOPTED

Agenda Item No.	<u>4.b.</u>
Date:	<u>10/04/05</u>

**BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**FOR WASHINGTON COUNTY, OREGON**

ORDINANCE NO. 647

An Ordinance Amending the Tektronix Development Agreement Originally Adopted by Ordinance No. 530 and Providing a Termination Date.

The Board of County Commissioners of Washington County, Oregon, ordains:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the "Development Agreement Between Washington County, Oregon and Tektronix Inc." entered on October 27, 1998 and adopted by the County as Ordinance 530 on October 27, 1998, under the provisions of ORS 94.504 to 94.528, is expiring on March 22, 2006.

B. The Board recognizes that it is in the mutual best interest of the parties to modify certain elements of the Development Agreement, update its provisions, and provide for a new effective term for the Development Agreement, and that such changes are necessary for the benefit of the health, safety, and general welfare of the residents of Washington County, Oregon.

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

////

1 D. The Board finds and takes public notice that it is in receipt of all matters and  
2 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance  
3 complies with the Statewide Planning Goals, the Metro Urban Growth Management Functional  
4 Plan, and the standards for legislative plan adoption, as set forth in Chapters 197 and 215 of the  
5 Oregon Revised Statutes, the Washington County Charter, and the Washington County  
6 Community Development Code.

7 E. The Board finds and concludes that based on the wording of the Development  
8 Agreement and other factors, this particular Agreement has sufficient qualifying lots to be eligible  
9 for a seven year termination period. The Board reserves the right, however, to determine in other  
10 such agreements, or in considering any future amendment of this Agreement, that units of land  
11 shown or described as a tract do not qualify as a lot for purposes of establishing the term of such  
12 agreement.

13 SECTION 2

14 The attached exhibit, entitled "First Amendment and Restatement of the Development  
15 Agreement Between Washington County, Oregon and Tektronix, Inc." marked as Exhibit "1,"  
16 is hereby adopted and incorporated herein by reference.

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

1     SECTION 3

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

4     SECTION 4

5             All applications received prior to the effective date shall be processed in accordance  
6     with ORS 215.427 (2003 Edition).

7     SECTION 5

8             If any portion of this Ordinance, including the exhibit, shall for any reason be held  
9     invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be  
10    affected thereby and shall remain in full force and effect, and any provision of a prior land use  
11    ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and  
12    again be considered in full force and effect.

13    SECTION 6

14            The Office of County Counsel and Department of Land Use and Transportation are  
15    authorized to prepare planning documents to reflect the changes adopted under Section 2 of  
16    this Ordinance, including deleting and adding textual material and maps, renumbering pages  
17    or sections, and making any technical changes not affecting the substance of these amendments  
18    as necessary to conform to the Washington County Comprehensive Plan format.

19    SECTION 7

20            This Ordinance, including Exhibit 1, shall be recorded in the county records as required  
21    by ORS 94.528.

22    ////

1 SECTION 8

2 This Ordinance shall take effect thirty (30) days after adoption.

3 ENACTED this 4th day of October, 2005, being the first reading  
4 and first public hearing before the Board of County Commissioners of Washington County,  
5 Oregon.

6 BOARD OF COUNTY COMMISSIONERS  
7 FOR WASHINGTON COUNTY, OREGON

8 **ADOPTED**

9 Tom Brian  
CHAIRMAN

10 Barbara Heitmanek  
11 RECORDING SECRETARY

12 READING

PUBLIC HEARING

13 First October 4, 2005

October 4, 2005

14 Second \_\_\_\_\_

\_\_\_\_\_

15 Third \_\_\_\_\_

\_\_\_\_\_

16 Fourth \_\_\_\_\_

\_\_\_\_\_

17 Fifth \_\_\_\_\_

\_\_\_\_\_

18 Sixth \_\_\_\_\_

\_\_\_\_\_

19  
20 VOTE: Aye: Brian, Rogers, Duvck,  
Schouten

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

21 Recording Secretary: Barbara Heitmanek

Date: October 4, 2005

FIRST AMENDMENT AND RESTATEMENT  
OF THE DEVELOPMENT AGREEMENT  
BETWEEN  
WASHINGTON COUNTY, OREGON  
AND  
TEKTRONIX, INC.

Dated: \_\_\_\_\_, 2005

**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 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. The Development Agreement was adopted by the County as Ordinance 530 on October 27, 1998.

B. The Development Agreement expires on March 22, 2006, which is seven (7) years after its effective date as set forth in Section 1 of the Development Agreement.

C. The parties have agreed that it is in their mutual best interest to modify certain identified elements of the Development Agreement, update its provisions, and provide for a new effective term for the Development Agreement.

D. The parties now desire to make the changes necessary to update the Development Agreement, all on the terms and conditions set forth in this First Amendment and Restatement of the Development Agreement ("First Amendment").

E. Tektronix contemplates amending its existing Master Plan for the Campus in reliance upon the adoption of this First Amendment.

F. The subject of the First Amendment is the development of Lots 1, 2, 3 and 14 of the master planned 'Tektronix Business Park' approved through Casefile 98-596-D(IND)/S/PD/DHA/DFR on March 9, 1999, described in Exhibit A-1. The First Amendment shall also govern Lots 4 through 13 to the extent allowed by Section 8.2 of the Development Agreement.

**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 shall be modified as shown below. Double-underlining indicates

language added by this Amendment to existing language in the Development Agreement; ~~stricken~~ words indicate text deleted from the Development Agreement. Unless otherwise defined herein, capitalized terms in this Agreement 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 First 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 Tektronix. The Agreement shall continue in effect for a period of seven (7) years after its effective date unless canceled by the parties as provided in Section 12 below.

**B. Section 6 is amended and restated as follows:**

**6. Infrastructure Improvements and Dedications.**

6.1 The parties agree that the development vested under Sections 3 and 4 will generate a requirement for some or all of the additional improvements and facilities set forth in this Section. The parties hereto anticipate the improvements for the streets identified in Exhibit C attached hereto and incorporated by this reference. Exhibit C sets forth the name of the street along with the improvement and right-of-way width agreed to by the parties. In addition, Exhibit C sets forth the method of funding the improvement and identifies any transportation impact fee credits which shall be available to Tektronix and its successors and assigns for any improvements for the street. The improvements set forth on Exhibit C shall be completed by County or Tektronix and its successors and assigns in accordance with the requirements and completion dates set forth on Exhibit C. Any developments on Lots 1, 2, 3, 4, 5, or 6 may be conditioned with respect to transportation improvements only upon completion of the improvements required to be completed as of the time of application for that development in accordance with the schedule in Exhibit C. As of the date of this First Amendment, the following improvements set forth in Exhibit C remain to be completed.

6.1.1 Item 5.c, Hocken Extension (Hall Ext. to Jenkins), Future Widening (if street becomes a major collector or arterial due to Hall Street Extension)

6.1.2 Item 8.b, Terman Road (Hocken Ext. to Shannon), Upgrade to urban standards.

6.1.3 Item 9.b, Terman Road (Shannon to Murray), Upgrade to urban standards.

6.2 Except for meeting the requirements of R&O 86-95 or its successor, No further transportation studies or off-site transportation improvements, other than those set forth in section 6.1 hereof, will be required for the following development or redevelopment:

6.2.1 For Lot 1 additional square footage of 350,000 square feet in excess of the existing square footage of 1,548,051 in June 1998.

6.2.2 For Lot 2 ~~and 3~~ additional square footage of ~~285,000~~ 156,000 square feet in excess of the existing square footage of 249,921 on August 15, 2000, 1998.

6.2.3 For Lot 3 additional square footage of 93,000 square feet in excess of the existing square footage of 29,926 in June 1998.

6.2.34 For Lots 4, 5 and 6 additional square footage of 175,000 square feet in excess of the existing square footage in June 1998, which was zero (0) square feet.

6.3 Prior to requiring implementation of R&O 86-95 or its successor as described in 6.2 above, the County shall allow a credit for the trips associated with the 287,400 square feet of building demolition work that was done in 2004 and 2005.

Tektronix and its successors and assigns may reallocate this assortment of building square footage among these lots.

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

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

13.22 Except as amended by this Amendment, the Development Agreement remains in full force and effect.

Executed as of the day and year first above written.

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

\_\_\_\_\_  
Tektronix, Inc., an Oregon Corporation

STATE OF OREGON        )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by \_\_\_\_\_, as an authorized member of Tektronix, Inc., an Oregon Corporation, on behalf of said corporation.

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

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

\_\_\_\_\_  
Nike, Inc., an Oregon Corporation

STATE OF OREGON        )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2005, by  
\_\_\_\_\_, as an authorized member of Nike, Inc., an Oregon Corporation, on behalf of said corporation.

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

By: \_\_\_\_\_  
Tom Brian, Chairman Board of Commissioners  
Washington County, Oregon

STATE OF OREGON        )  
                                  ) ss.  
County of Washington    )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2005, by  
Tom Brian as Chairman Board of Commissioners of Washington County, Oregon, on behalf of said county.

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

**EXHIBIT A-1**  
**Subject Property**

Lots 1, 2, 3, and 14 and Tracts "B", "C", and "D" of the "Tektronix Business Park"  
Plat recorded as Document Number 99043637 in Plat Book 123, Pages 43-52 of  
Washington County, Oregon