



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/15/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Washington County Plan Amendment
DLCD File Number 012-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, October 29, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Paul Schaefer, Washington County
Jon Jinings, DLCD Community Services Specialist
Anne Debbaut, DLCD Regional Representative

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

OCT 08 2012

**LAND CONSERVATION
AND DEVELOPMENT**

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **Washington County**

Local file number: **Ordinance No. 752**

Date of Adoption: **10/2/2012**

Date Mailed: **10/4/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 7/20/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other: **Extend Development Agreement**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The adopted ordinance updates and extends the Development Agreement between Washington County and Tektronix, Inc. originally adopted by Ordinance No. 530 on October 27, 1998 and as amended (First Amendment) by Ordinance No. 647 adopted October 4, 2005.

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Murray Blvd., Jenkins Rd, Hocken Ave, & Millikan**

Acres Involved: **148**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Washington County, City of Beaverton

Local Contact: **Paul Schaefer, Senior Planner**

Phone: (503) 846-8817 Extension:

Address: **155 N. First Avenue, Suite 350**

Fax Number: **503-846-4412**

City: **Hillsboro** Zip: **97124-**

E-mail Address:

paul_schaefer@co.washington.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

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 ORDINANCE NO. 752 – AN ORDINANCE
AMENDING THE TEKTRONIX DEVELOPMENT AGREEMENT

Presented by: Andrew Singelakis, Director of Land Use & Transportation;
Alan Rappleyea, County Counsel

SUMMARY:

Ordinance No. 752 proposes to update and extend the Development Agreement between the County and Tektronix, Inc. Key provisions of this ordinance include:

- Extending the Development Agreement for an additional seven years. (The current agreement expires on November 3, 2012.)
- Updating the agreement to identify which required transportation improvements remain to be completed. The agreement identifies transportation improvements needed to adequately serve the Tektronix Business Park Campus and the surrounding area.
- Updating the agreement to replace references to Traffic Impact Fee (TIF) with Transportation Development Tax (TDT).

Ordinance No. 752 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm>

On September 5, 2012, the Planning Commission conducted a public hearing for this ordinance and unanimously recommended that the Board adopt Ordinance No. 752 as filed. The staff report will be provided to the Board prior to the hearing and will also be available 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 twelve minutes for a representative of a group.

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 752 by title only and conduct the first public hearing. At the conclusion of the hearing, adopt Ordinance No. 752.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

Agenda Item No.	<u>4.a.</u>
Date:	10/02/12

ADOPTED

FILED

JUL 20 2012

Washington County
County Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 752

An Ordinance Amending the Tektronix Development Agreement Originally Adopted by Ordinance No. 530 and Amended by Ordinance No. 647, Including Adding Beaverton, LLC as a Party, and Providing a Termination Date

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

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the First Amendment to the "Development Agreement Between Washington County, Oregon and Tektronix Inc." entered on October 5, 2005 and adopted by the County as Ordinance 647 on October 5, 2005, under the provisions of ORS 94.504 to 94.528, is expiring on November 5, 2012.

B. The Board recognizes that it is in the mutual best interest of the parties to modify certain elements of the Development Agreement including replacing Tektronix, Inc. with Beaverton, LLC as a party to this agreement, update its provisions including terms related to the Transportation Development Tax (TDT), 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 Department of Land Use and Transportation has carried out its responsibilities, including preparation of notices,

1 and the County Planning Commission has conducted one or more public hearings on the proposed
2 amendments and has submitted its recommendations to the Board. The Board finds that this
3 Ordinance is based on those recommendations and any modifications made by the Board are a
4 result of the public hearings process.

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

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

17 SECTION 2

18 The following Exhibit, entitled "Second Amendment and Restatement of the
19 Development Agreement Between Washington County, Oregon and Beaverton, LLC" marked
20 as Exhibit "1," is hereby adopted and incorporated herein by reference.

21 ///

22 ///

1 SECTION 3

2 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
3 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.

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.

11 SECTION 6

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

17 SECTION 7

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


20 SECTION 8

21 This Ordinance shall take effect thirty (30) days after adoption.
22

1 ENACTED this 2nd day of October, 2012, being the 1st reading
2 and 1st public hearing before the Board of County Commissioners of Washington County,
3 Oregon.

4 BOARD OF COUNTY COMMISSIONERS
5 FOR WASHINGTON COUNTY, OREGON

6 **ADOPTED**

7 
8 CHAIRMAN
9 Barbara Hejtmanek
10 RECORDING SECRETARY

11 READING

12 PUBLIC HEARING

13 First October 2, 2012
14 Second _____
15 Third _____
16 Fourth _____
17 Fifth _____
18 Sixth _____

19 October 2, 2012
20 _____
21 _____
22 _____

VOTE: Aye: Duyck, Schouten, Terry, Nay: _____
Rogers, Malinowski
Recording Secretary: Barbara Hejtmanek Date: October 2, 2012

SECOND 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 will expire on November 3, 2012.

D. On November 4, 2008 Washington County voters approved Ballot Measure 34-164. This ballot measure replaced the Traffic Impact Fee with the Transportation Development Tax. All remaining development subject to the Development Agreement and its subsequent amendments will be subject to the Transportation Development Tax Ordinance (see Attachment C).

E. 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.

F. Washington County and Beaverton, LLC (“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.

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

H. The subject of the Second Amendment is the development of Lots 1, 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. The Second Amendment shall also govern Lots 4 through 13 to the extent allowed by Section 8.2 of the Development Agreement. Lot 2 identified in the Development Agreement and First Amendment is not subject to the Second Amendment. Lot 2 is not owned by Beaverton, LLC.

I. Since the effective date of the original Development Agreement, some building square footage has been added or reduced on Lots 1, 2 and 3. The total building square footage existing on July 20, 2012, the date Ordinance No. 752 was filed, is set forth in Exhibit D.

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. 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~~Second 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 ~~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~~whether transportation impact fee Transportation Development Tax (TDT) credits which ~~shall~~may be available to Beaverton, LLC ~~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 Beaverton,

~~LLCTektronix~~ 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 or 14~~, ~~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 ~~Second~~ 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)~~

6.1.1 Item 6, Hocken Avenue (Beaverton Creek to Hall Blvd.), Upgrade frontages of Lot 3 (tax lot 1S109DB00100) and Tract D (tax lot 1S1090001400) to current City of Beaverton road standards (Hocken Avenue between Jenkins Road and Millikan Way was annexed into the city by Ordinance 4181).

6.1.2 Item 8.b, Terman Road (Hocken ~~Ext~~Avenue to Shannon Road), Upgrade to County urban C-2 Collector standards-, unless the County Engineer approves a Design Exception pursuant to Chapter 2 of the County's Road Design and Construction Standards (noting that a minimum eight (8) foot wide sidewalk along the north side of Terman Road may substitute for a standard width sidewalk on the south side of Terman Road in Item 8. b.)

6.1.3 Item 9.b, Terman Road (Shannon Road to Murray Blvd.), Upgrade to County urban C-2 Collector standards-, unless the County Engineer approves a Design Exception pursuant to Chapter 2 of the County's Road Design and Construction Standards (noting that a minimum eight (8) foot wide sidewalk along the north side of Terman Road may substitute for a standard width sidewalk on the south side of Terman Road in Item 9. b.)

6.1.4 Item 10, a. Jenkins Road Right Turn Lane (Eastbound Right Turn Lane at Hocken Avenue).

6.1.5 Item 10, b. Jenkins Road, Dedicate no more than nine (9) feet of additional right-of-way along the south side of Jenkins Road along the street frontage of Lot 1 if Jenkins Road is reclassified to a 5-lane Arterial in the County Transportation System Plan. If Jenkins Road is reclassified to a 5-lane Arterial in the TSP, County will pursue adding it to the TDT list.

6.1.6 Item 7, Shannon Road, Upgrade to County urban Local street standards, unless the County Engineer approves a Design Exception pursuant to Chapter 2 of the County's Road Design and Construction Standards, including a sidewalk on the Shannon Road frontage of Lot 14 (tax lot 1S109CB00500) and Tract C - (sidewalk to replace existing asphalt path along west side).

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: An additional square footage of 350,000~~610,449 square feet in excess of the existing square footage of ~~1,548,051 in June 1998~~1,317,528 on July 20, 2012.

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

~~6.2.23 For Lot 3: additional square footage of 93,000 square feet in excess of the existing square footage of 29,926 in June 1998.~~

~~6.2.4 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.~~

Fektronix-Beaverton, LLC and its successors and assigns may reallocate this assortment of building square footage among these lots subject to the Second Amendment described in Exhibit A and shown on Exhibit E.

C. Section 7 is amended and restated as follows:

7. Fees and Charges

Except as set forth below, ~~Fektronix-Beaverton LLC,~~ and its successors and assigns shall pay all required systems development charges, ~~TDT~~traffic impact fees, and application fees for land use, land division, land development approvals, and building permit fees:

7.1 No systems development charge, ~~except TDT as required by the Transportation Development Tax Ordinance, or traffic impact fee or charge, or the like~~ shall be required for the first ~~184,000~~271,158 square feet of replacement development on Lot 1. Reductions in TDT based on previous uses shall be calculated consistent with the Transportation Development Tax Ordinance. When applicable, Beaverton, LLC shall be required to apply for TDT credits as provided for in the Transportation Development Tax Ordinance.

7.2 Beaverton, LLC Fektronix and its successors and assigns shall receive the ~~TDT~~ credits for remaining public improvements listed in as set forth in Exhibit C to the extent allowed by the Transportation Development Tax Ordinance.

7.3 ~~The traffic impact fee~~ When the County assesses the TDT, assessment the County shall recognize the ~~pre-determined and pre-existing trips~~ building square footages in existence on the Campus inventoried in Exhibit D and shall use the "General Light Industrial" ITE Category, and shall be calculated at the time building permits are issued. The trips shall be allocated to the Lots in the Campus as set forth in Exhibit D attached hereto and incorporated by reference. ~~Building square footage reduced or eliminated~~ capacity as a result of building removal

~~shall also be credited~~ reduce the TDT charge for new development to the extent allowed by the Transportation Development Tax Ordinance.

7.4 The credits set forth in this section 7 may be transferred within the Campus ~~as to the extent allowed by the TIF~~ Transportation Development Tax Ordinance.

7.5 Beaverton, LLC Tektronix and its successors and assigns shall be required to pay only those charges, TDT, and fees for development which are adopted by ordinance, resolution or order prior to any application for land development, use or division, and which are generally imposed on similarly situated persons or entities.

D. Section 12 is amended and restated as follows:

12. Amendment or Termination of Agreement

This Agreement may be amended or terminated by the mutual consent of the parties and their successors in interest. Any amendment of this Agreement which relates to the term, permitted use, density or intensity of use, height or size of buildings, provisions for the reservation or dedication of land, monetary contributions by Beaverton, LLC Tektronix, or any conditions or covenants relating to the use of the Campus shall require a public hearing before the parties may execute an amendment. Any other amendment shall not require a public hearing. The provisions of Exhibit C, Street Improvement Projects, that detail the source of funding for entities other than Beaverton, LLC Tektronix and the timing of street improvement projects may be amended without a public hearing. The allocation of ~~traffic fee~~ TDT credits set out in Exhibits C and D may be allocated by Beaverton, LLC Tektronix and its successors and assigns to the extent allowed by the Transportation Development Tax Ordinance ~~credits does not increase.~~

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

13.20 Form of Agreement; Exhibits. This Agreement consists of 8 pages and ~~six~~ five exhibits. The exhibits are identified as follows:

Exhibit A	<u>Legal description of the properties comprising the Campus subject to this Agreement</u>
Exhibit B	<u>Site plan for the Campus (based on the original Development Agreement)</u>
Exhibit C	<u>Street Improvement Projects showing the required street improvement, right-of-way width, funding source, and allocation of responsibility to <u>Beaverton, LLC Tektronix</u>, TIF <u>TDT credits eligibility and allocation, and project deadlines</u> <u>required timing of when improvements must be completed (constructed)</u></u>

Exhibit D Traffic Impact Fee Allocation as calculated by the current TIF schedule Inventory of Existing Campus Buildings and Building Square Footages

Exhibit E Campus map showing lots and tracts subject to the Development Agreement as amended by the Second Amendment.

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

13.22 ~~Except as amended by this Amendment, the~~ The Development Agreement and First Amendment, remains in full force and effect, ~~except as amended by this Second Amendment.~~

Executed as of the day and year ~~first above written~~ 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, by _____, as an authorized member of Beaverton, LLC, on behalf of said corporation.

Notary Public for Oregon
My Commission expires: _____

By: _____

Andy Duyck, Chairman Board of Commissioners
Washington County, Oregon

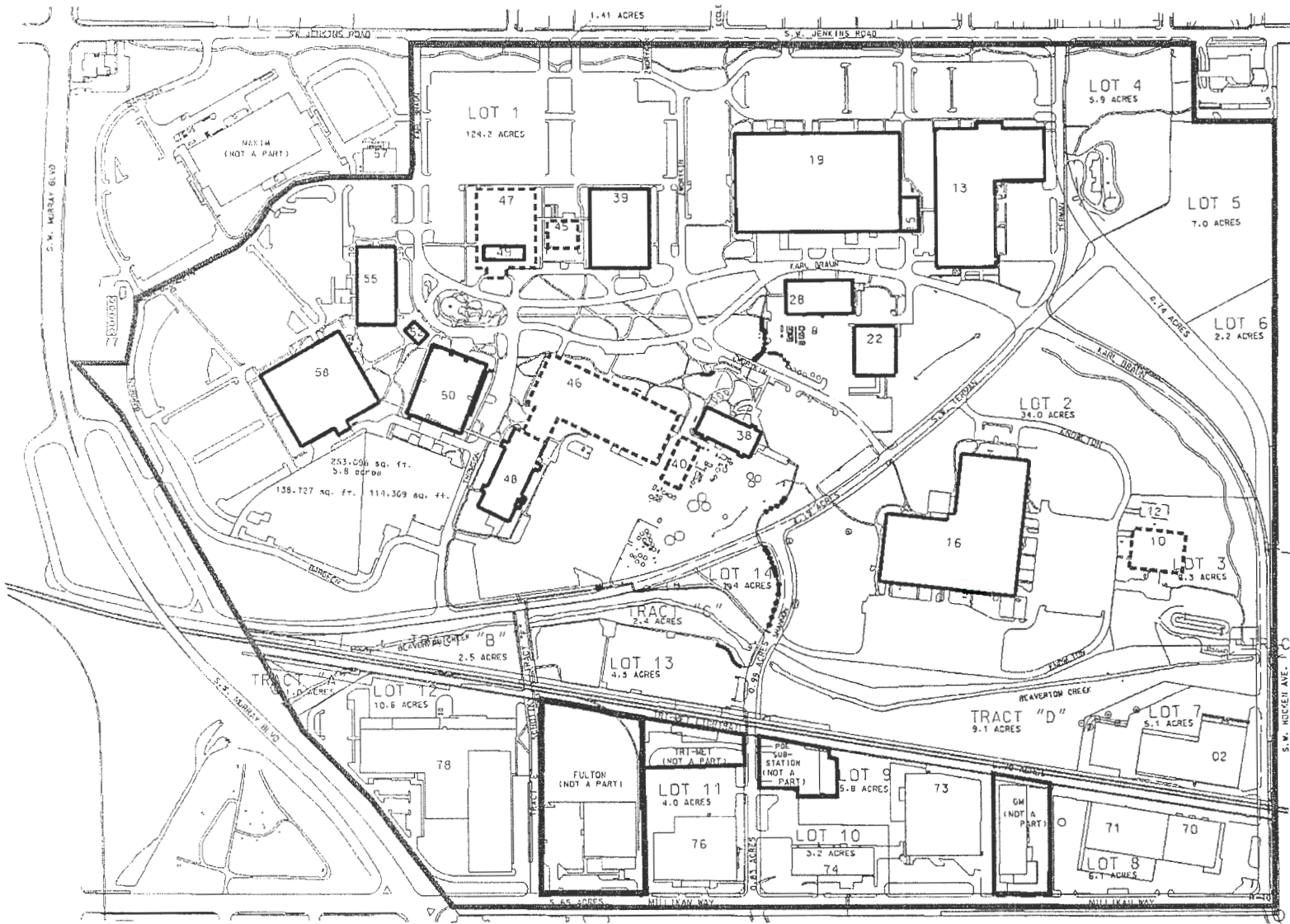
STATE OF OREGON)
) ss.
County of Washington)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012, by
Andy Duyck as Chairman Board of Commissioners of Washington County, Oregon, on behalf of said county.

Notary Public for Oregon
My Commission expires: _____

EXHIBIT A
Subject Property

Lots 1, 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



- LEGEND**
- LOT LINES
 - ▭ EXISTING STRUCTURES
 - - - DEMOLISHED STRUCTURES
 - PROPOSED MONITORING WELL CASHEMENT
 - ⊙ EXISTING MONITORING WELLS
 - ▭ CAMPUS SUBJECT TO ORIGINAL DEVELOPMENT AGREEMENT

OWNER: TEKTRONIX, INC.
 P.O. BOX 500 W/S 22-511
 BEAVERTON, OR 97077-0001

TOTAL SITE: 236.6 ACRES

ZONING: INDUSTRIAL (I20)

ENGINEERING/SURVEYING/PLANNING:
 DAVID EVANS AND ASSOCIATES, INC.
 2828 SW COMBUST AVENUE
 PORTLAND, OR 97201

TOTAL LOTS: 14

SANITARY SEWER: UNIFIED SEWERAGE AGENCY

WATER: TUALATIN VALLEY WATER DISTRICT

TOPOGRAPHY: 1' CONTOUR INTERVAL
 SOURCE: SPENCER CROSS, 1992.

LEGAL DESCRIPTION: TAX LOT 700, LOCATED IN SECTION 9, T.1.S., R.1.W., WILLAMETTE MERIDIAN

NOTE:
 PROPOSED UTILITY EASEMENTS SHOWN ON SHEETS
 6, 7 & 8 OF 11.

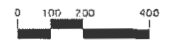


Exhibit C
Street Improvement Projects

Street	Improvement	ROW Width	Funding	FF-TDT Credits ¹	Timing
1. Jenkins Road	a. Widen to 3 lanes w/curbs, sidewalks & bike lanes, add traffic light.	Total 98' ROW. Tektronix to dedicate 51' south from centerline or 45' plus 6' sidewalk/utility easement along existing frontage.	County, State & Tektronix. Tektronix share is \$250K and participation in IOF grant.	\$250K plus IOF funding.	Complete by 12/31/00. COMPLETED
2. Murray Overpass	a. Widen to 4 lanes	Existing ROW adequate.	Federal, State, County.	None	Complete by 12/31/01. COMPLETED
3. Millikan Way (Murray Blvd. to Hocken Avenue)	a. Widen to 3 lanes w/curbs, sidewalks & bike lanes.	Tektronix to dedicate 80' ROW with provision for additional 18' if 5 lanes in County Transportation Plan update.	County	None	Schedule to be determined by County. N/A - Millikan Way annexed into City of Beaverton (Ordinance #4340)
4. Millikan Way Extension (Hocken Avenue to Cedar Hills Blvd.)	a. Create new 3 lane connection to Cedar Hills Blvd.	To be determined and acquired by County.	County MSTIP3	None	Complete by 12/31/03. COMPLETED
5. Hocken Extension (Hall Ext. Blvd. to Jenkins Road)	a. Interim Standards (2 lanes, with ditches, gravel shoulders and turn lanes as necessary.	Tektronix to dedicate 52' ROW	Tektronix	None	Later of 12/31/01 or 12 months after completion of Jenkins widening. COMPLETED
	b. Upgrade to urban standards (curbs, sidewalks, landscaping)		Tektronix	If greater than minor collector standard	When adjacent property develops. Each side responsible for 1/2 width improve. COMPLETED
	c. Future widening (if street becomes a major collector or arterial due to Hall Street Extension Blvd.).	Addtl. ROW acquired by County or City of Beaverton.	County or City of Beaverton.	None	Schedule to be determined by County/City of Beaverton. N/A - Hocken Street annexed into City of Beaverton (Ordinance #4181)

abcd proposed additions
abced proposed deletions

Exhibit C
Street Improvement Projects

Street	Improvement	ROW Width	Funding	TIF-TDT Credits ¹	Timing
6. Hocken Avenue Extension (Millikan Way to Hall Ext. Blvd.)	a. Upgrade to urban current City of Beaverton road standards	Tektronix Beaverton LLC to dedicate 52' ROW.	Tektronix Beaverton LLC	TDT ¹ If greater than minor collector standard	When adjacent property subject to this Development Agreement redevelops (only parcels 1S109DB00100 and 1S1090001400 remain in the county and subject to the Development Agreement as amended)
7. Shannon Road	a. Re-open road and add sidewalk along west side. Upgrade to County urban Local street standards, unless the County Engineer approves a Design Exception pursuant to Chapter 2 of the County's Road Design and Construction Standards, including a sidewalk on Shannon Road frontage of Lot 14 (tax lot 1S109CA00100) and Tract C - (sidewalk to replace existing asphalt path along west side of Shannon Road).	Tektronix Beaverton LLC to dedicate 60' ROW.	Tektronix Beaverton LLC	TDT ¹ None	Completed When adjacent property (tax lot 1S109CA00100) develops
8. Terman Road (Hocken Ext. Avenue to Shannon Road)	a. Add sidewalks along northwest side and connect to Hocken Road Avenue.	Tektronix to dedicate 52' ROW.	Tektronix	None	Complete by 12/31/00. COMPLETED
	b. Upgrade to County urban C-2 Collector standards, unless the County Engineer approves a Design Exception pursuant to Chapter 2 of the County's Road Design and Construction Standards. (option to substitute wide sidewalk on one side). (a minimum eight (8) foot wide sidewalk along the north side of Terman Road may substitute for a standard width sidewalk on the south side).	Tektronix Beaverton LLC	Tektronix Beaverton LLC	TDT ¹ None	When development of lots subject to the original Development Agreement, except Lot 2, causes trips to exceed 1,763 (Weekday AM Peak Hour) and 1,808 (Weekday PM Peak Hour) trips exceeds 25% of 1998 levels.

abcd proposed additions
abcd proposed deletions

Exhibit C
Street Improvement Projects

Street	Improvement	ROW Width	Funding	TIF -TDT Credits ¹	Timing
9. Terman Road (Shannon Road to Murray Blvd.)	a. Add sidewalk along north side	Tektronix to dedicate 52' ROW	Tektronix	None	COMPLETED
	b. Upgrade to <u>County urban C-2 Collector standards, unless the County Engineer approves a Design Exception pursuant to Chapter 2 of the County's Road Design and Construction Standards (a minimum eight (8) foot wide sidewalk along the north side of Terman Road may substitute for a standard width sidewalk on the south side).</u>	Tektronix Beaverton LLC	Tektronix Beaverton LLC	TDT ¹	When development of lots subject to the original Development Agreement, except Lot 2, causes trips to exceed 1,763 (Weekday AM Peak Hour) and 1,808 (Weekday PM Peak Hour) trips exceeds 25% of 1998 levels.
10. Jenkins Road Right Turn Lane	a. Add right-turn lane eastbound (Jenkins Road southbound to Hocken Avenue)	Beaverton LLC	Beaverton LLC	TDT ¹	When development of Lots 1, 3 and 14 generates more vehicle trips than would be attributed to said lots based on the current ITE Trip Category for 2,934,259 square feet of General Light Industrial uses (Exhibit D)
	b. Dedicate no more than nine (9) feet of additional right-of-way along the south side of Jenkins Road along the street frontage of Lot 1 if Jenkins Road is reclassified to a 5-lane Arterial in the County Transportation Plan (TSP). If Jenkins Road is reclassified to a 5-lane Arterial in the TSP, County will pursue adding it to the TDT list	Beaverton LLC to dedicate no more than nine (9) feet of additional of right-of-way	Beaverton LLC	TDT ¹	When development of Lots 1, 3 and 14 generates more vehicle trips than would be attributed to said lots based on the current ITE Trip Category for 2,934,259 square feet of General Light Industrial uses (Exhibit D) and if Jenkins Road is reclassified to a 5-lane Arterial in the County Transportation Plan (TSP).

abcd proposed additions

~~abcd~~ proposed deletions

¹ In 2008, registered county voters approved Ballot Measure 34-164 replacing the Traffic Impact Fee (TIF) with the Transportation Development Tax (TDT). Improvements, including right-of-way dedication, are creditable to the extent allowed by the TDT Ordinance. All future Campus development subject to this Agreement shall be assessed the TDT rate for ITE Manual Category "GENERAL LIGHT INDUSTRIAL"

EXHIBIT D
Inventory of Existing Buildings ¹
and Building Square Footage ²

Parcel ³	Building	Current Usage	Gross Square Footage ⁴
Lot 1	13	Manufacturing/Office	153,969
	15	Cafeteria	7,903
	19	Manufacturing	220,354
	22	Facilities	38,620
	28	Utilities	34,976
	38	Meeting Space/Office	61,354
	39	Office	126,083
	48	Office	137,588
	49	Fitness Center	7,333
	50	Office/R&D	234,650
	52	Retail (Starbucks)	3,376
	55	Office	81,688
58	Office/Manufacturing	209,634	
		Subtotal:	1,317,528
Lot 2 ⁵	16	Manufacturing/Employee Retail Store	249,921
Lot 3		Vacant land	0
Lots 4, 5 & 6		Retail (Lot 5 is vacant) ⁶	92,768
Lot 7	2	Manufacturing/Warehouse	76,947
Tract G		Pump Station	528
Lot 8	70/71	Warehouse/Office	109,115
Lot 9	73	Manufacturing	101,692
Lot 10	74	Office/Studio	29,358
Lot 11	76	Office/Warehouse	65,290
Lot 12	78	Auto. Warehouse/Office	280,663
Lot 13		Vacant (TriMet Park & Ride)	0
Lot 14		Vacant land	0
		Subtotal:	1,006,282
Total - Building Square Footage:			2,323,810

NOTES:

1 Lots 4 through 13 were annexed into the City of Beaverton and no longer part of the current "Tektronix Campus"

2 Existing building square footages as of July 20, 2012

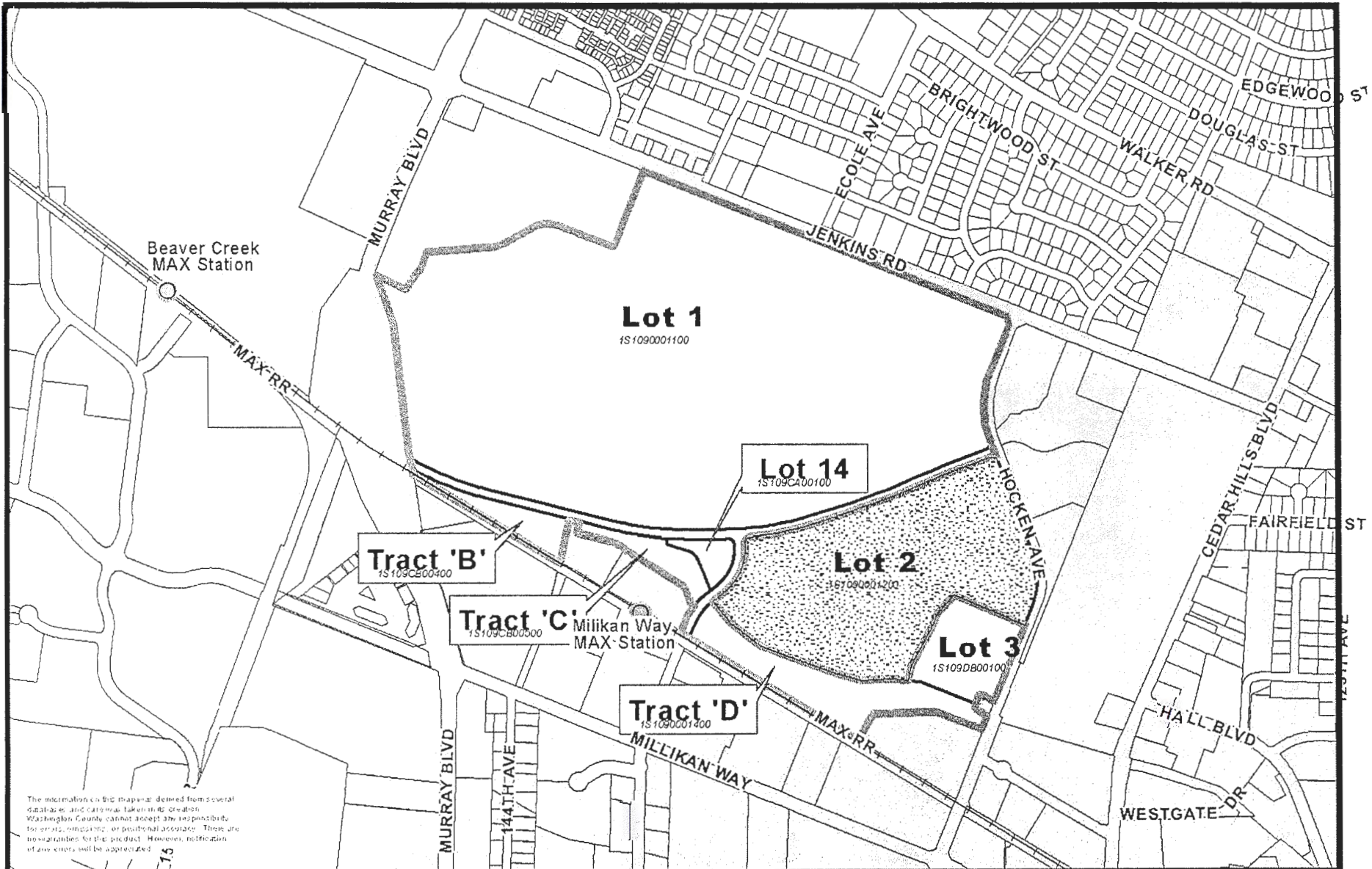
3 Lots 4-13 were annexed into the City of Beaverton along with Hocken Road and Millikan Way ROW

4 Reflects Buildings 10 (29,926 sq ft), 40 (21,405 sq ft), 45 (8,586 sq ft) and 46 (211,241 sq ft), all located on Lot 1, demolished in 2004 and Buildings 12, (a portion of) 38, 47, 74*, and 76* (combined 195,000 sq ft) demolished or sold between 1998 and January 2004

* Buildings 74 and 76 were sold and no longer part of the "Tektronix Campus"

5 Lot 2 is owned by Nike, LLC and not included in the Development Agreement


6 Lots 4, 5 & 6 are owned by CE John and are no longer part of the "Tektronix Campus"




The information on this map is derived from several databases and care was taken in its creation. Washington County cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties for this product. However, notification of any errors will be appreciated.

Washington County - Long Range Planning Division

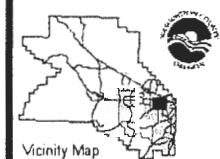
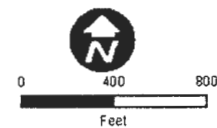
Tektronix Campus Area

 Area Subject to Development Agreement (As amended by the Second Amendment)

 Area not included in the Development Agreement

 City of Beaverton (current boundary)

 Light Rail Station



AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

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

Agenda Title: ADOPT FINDINGS FOR ORDINANCE NO. 752

Presented by: Andrew Singelakis, Director of Land Use & Transportation

SUMMARY:

Ordinance No. 752 proposes to update and extend the Development Agreement between the County and Tektronix, Inc.

As required by ORS 197.615, post acknowledgment comprehensive plan amendments (e.g., 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) must 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, any amendment to a comprehensive plan or implementing ordinance shall be consistent with the requirements of the Functional Plan.

Attached is the Resolution and Order to adopt the findings for Ordinance No. 752. The proposed findings will be provided to the Board prior to the hearing and will also be available at the Clerk's desk.

Attachment: Resolution and Order

DEPARTMENT'S REQUESTED ACTION:

Adopt the findings for Ordinance No. 752 and authorize the Chair to sign the Resolution and Order memorializing the action.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

RO 12-81

Agenda Item No.	<u>5.b.</u>
Date:	10/02/12

IN THE BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

In the Matter of Adopting) RESOLUTION AND ORDER
 Legislative Findings in Support)
 of Ordinance No. 752) No. 12-81

This matter having come before the Washington County Board of Commissioners at its meeting of October 2, 2012; and

It appearing to the Board that the findings contained in Exhibit "A" summarize relevant facts and rationales with regard to compliance with the Statewide Planning Goals, Oregon Revised Statutes and Administrative Rules, Washington County's Comprehensive Plan, and titles of Metro's Urban Growth Management Functional Plan relating to Ordinance No. 752; and

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

It appearing to the Board that the Planning Commission, at the conclusion of its public hearing on September 5, 2012, made a recommendation to the Board, which is in the record and has been reviewed by the Board; and

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

RESOLVED AND ORDERED that the attached findings in Exhibit "A" in support of Ordinance No. 752 are hereby adopted.

DATED this 2nd day of October, 2012.

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALINOWSKI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED AS TO FORM: _____

 County Counsel
 For Washington County, Oregon

 Chairman

 Barbara Heitmanek
 Recording Secretary

EXHIBIT A

FINDINGS FOR ORDINANCE NO. 752 RELATING TO AN ORDINANCE AMENDING AND EXTENDING THE TEKTRONIX DEVELOPMENT AGREEMENT

October 2, 2012

General Findings

The purpose of Ordinance No. 752 is to update and extend the Development Agreement between the county and Beaverton, LLC, formerly known as Tektronix.

The findings in support of Ordinance No. 752 are arranged by Statewide Planning Goal topic, but also address Metro's Urban Growth Management Functional Plan (UGMFP). Statewide Planning Goals 3 and 4, relating to agricultural lands and forestlands, and related Oregon Administrative Rules are not addressed in these findings because the amendments made by Ordinance No. 752 pertain to the urban area of Washington County. Statewide Planning Goals 15 (Willamette River Greenway), 16 (Estuarine Resources), 17 (Coastal Shorelands), 18 (Beaches and Dunes), and 19 (Ocean Resources) and related OARs are also not addressed because these resources are not located within Washington County.

In 1996, Metro adopted the Urban Growth Management Functional Plan (UGMFP). The UGMFP contains requirements that local cities and counties have agreed to adopt in order to implement the region's strategy for addressing growth. The Board finds that the UGMFP applies to the amendment covered by these findings only to the extent noted in specific responses to individual applicable UGMFP policies, and that the amendment complies with the policies.

Goal Findings

The purpose of the findings contained herein is to ensure that the Second Amendment proposed by Ordinance No. 752 is consistent with the Washington County Comprehensive Plan as required by ORS 94.508 and with Statewide Planning Goals, with other ORS provisions, OAR requirements, and Metro's UGMFP.

Goal 1 - Citizen Involvement

Washington County has an acknowledged citizen involvement program that provides opportunities for citizens and other interested parties to participate in all phases of the planning process. In addition, Chapter X of the County Charter sets forth specific requirements for citizen involvement during review and adoption of land use ordinances. Washington County utilized these requirements for the adoption of Ordinance No. 752.

Goal 2 - Land Use Planning

Statewide 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 Comprehensive Plan, which includes the Community Development Code (CDC). Washington County utilized this process to adopt Ordinance No. 752. Notice was coordinated with all affected governmental entities.

Goal 9 – Economic Development

Statewide Planning Goal 9 addresses economic development by requiring adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Policy 20 in the CFP sets out the County's policies to strengthen the local urban economy. The CDC contributes to a sound economy by providing standards that facilitate development in an orderly and efficient fashion. Adoption of Ordinance No. 752 and the resulting extension of the Agreement support continued economic development on the Tektronix campus. The amendments are consistent with the County's acknowledged policies and strategies for strengthening the local economy as required by Goal 9.

Goal 12 - Transportation

Statewide Planning Goal 12 and the Transportation Planning Rule (TPR) address the need for jurisdictions to provide and encourage a safe, convenient and economic transportation system. Ordinance 752 updates the current Development Agreement to identify remaining transportation improvements needed to adequately serve the Tektronix Business Park Campus and the surrounding area. Additional exactions may be required for improvements to Jenkins Road in the event that Jenkins Road is reclassified as a 5-lane (currently it is 3-lanes) Arterial. Ordinance 752 is consistent with Goal 12.

Findings of Compliance with Metro’s UGMFP for Ordinance No. 752

Title 8 - Compliance Procedures

Title 8 sets forth Metro’s procedures for determining compliance with the Urban Growth Management Functional Plan. 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 45 days prior to the first evidentiary hearing for a proposed amendment to a comprehensive plan. Staff mailed a copy of Proposed Ordinance No. 752 to Metro on July 20, 2012, 47 days prior to the first evidentiary hearing. Metro provided no comments on the Proposed Ordinance No. 752.

The findings in this document demonstrate that the amendments made by this ordinance are in substantial compliance with the UGMFP.

601005

WASHINGTON COUNTY, OREGON
Department of Land Use & Transportation
Range Planning Division
First Avenue, Suite 350, MS 14
Salem, OR 97124-3072

DEPT OF

OCT 08 2012

**LAND CONSERVATION
AND DEVELOPMENT**

SHUTTLE

Attention: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540