

## SENATE AMENDMENTS TO SENATE BILL 688

By COMMITTEE ON ENVIRONMENT AND LAND USE

April 21

- 1 On page 1 of the printed bill, line 2, after “plan” insert “; amending ORS 94.504”.
- 2 Delete lines 4 through 31 and delete pages 2 and 3 and insert:
- 3 “**SECTION 1.** ORS 94.504 is amended to read:
- 4 “94.504. (1) A city or county may enter into a development agreement as provided in ORS 94.504
- 5 to 94.528 with any person having a legal or equitable interest in real property for the development
- 6 of that property.
- 7 “(2) A development agreement shall specify:
- 8 “(a) The duration of the agreement[, *which may not exceed four years for a development of fewer*
- 9 *than seven lots or seven years for a development of seven or more lots*];
- 10 “(b) The permitted uses of the property;
- 11 “(c) The density or intensity of use;
- 12 “(d) The maximum height and size of proposed structures;
- 13 “(e) Provisions for reservation or dedication of land for public purposes;
- 14 “(f) A schedule of fees and charges;
- 15 “(g) A schedule and procedure for compliance review;
- 16 “(h) Responsibility for providing infrastructure and services;
- 17 “(i) The effect on the agreement when changes in regional policy or federal or state law or rules
- 18 render compliance with the agreement impossible, unlawful or inconsistent with such laws, rules or
- 19 policy;
- 20 “(j) Remedies available to the parties upon a breach of the agreement;
- 21 “(k) The extent to which the agreement is assignable; and
- 22 “(L) The effect on the applicability or implementation of the agreement when a city annexes all
- 23 or part of the property subject to a development agreement.
- 24 “(3) A development agreement shall set forth all future discretionary approvals required for the
- 25 development specified in the agreement and shall specify the conditions, terms, restrictions and re-
- 26 quirements for those discretionary approvals.
- 27 “(4) A development agreement shall also provide that construction shall be commenced within
- 28 a specified period of time and that the entire project or any phase of the project be completed by
- 29 a specified time.
- 30 “(5) A development agreement shall contain a provision that makes all city or county obligations
- 31 to expend moneys under the development agreement contingent upon future appropriations as part
- 32 of the local budget process. The development agreement shall further provide that nothing in the
- 33 agreement requires a city or county to appropriate any such moneys.
- 34 “(6) A development agreement must state the assumptions underlying the agreement that relate
- 35 to the ability of the city or county to serve the development. The development agreement must also

1 specify the procedures to be followed when there is a change in circumstances that affects compli-  
2 ance with the agreement.

3 **“(7) A development agreement is binding upon a city or county pursuant to its terms and**  
4 **for the duration specified in the agreement.**

5 **“(8) The maximum duration of a development agreement entered into with:**

6 **“(a) A city is 15 years; and**

7 **“(b) A county is four years.”**

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